



U.S. Department of Transportation
National Highway Traffic Safety Administration

Memorandum

Subject: **INFORMATION:** Submittal to Docket NHTSA #99-5087 - 3
NHTSA Safety Performance Standards Program Meeting

Date: JUL 29 1999

From: L. Robert Shelton
Associate Administrator for
Safety Performance Standards

Reply to
Attn. of:

To: Docket Section

DEPT. OF TRANSPORTATION
PROJECTS
99 AUG -2 PM 3

Please insert in the Section of the Docket titled, "Safety Performance Standards Program Meeting," the following:

1. Federal Register Notice Vol. 64 No. 90, FR 25392 dated Tuesday, May 11, 1999 for Notice of June 16, 1999 NHTSA Rulemaking Status Meeting in Detroit, Michigan.
2. Agenda of Meeting.
3. Scorecard dated June 16, 1999 subject: Commitments made at March 18, 1999 Rulemaking Status Public meeting.
4. Rulemaking Actions Published since March 18, 1999.
5. Transcript of Proceedings for the NHTSA Safety Performance Standards Program Meeting on June 16, 1999.

Attachments

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place in Washington on Thursday, September 16, 1999. The location of the September meeting will be announced in a subsequent notice.

ADDRESSES: Questions for the June 16, NHTSA R&making Status Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Lopez. NPS-01. National Highway Traffic Safety Administration. Room 5401.400 Seventh Street, SW, Washington, DC 20590, Fax Number 202-366-4329, e-mail dlopez@nhtsa.dot.gov. The meeting will be held at the Clarion Hotel, 9191 Wickham Road, Romulus, MI.

FOR FURTHER INFORMATION CONTACT:

Delia Lopez. (202) 366-1810.

SUPPLEMENTARY INFORMATION: NHTSA holds a regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the DOT Docket in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page. (length has varied from 80 to 150 pages) upon request to DOT Docket, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. The DOT Docket is open to the public from 10:00 a.m. to 5:00 p.m. The transcript may also be accessed electronically at <http://dms.dot.gov>. at docket NHTSA-1999-5087. Questions to be answered at the quarterly meeting should be organized by categories to help us process the questions into an agenda form more efficiently. Sample format:

- I. R&making
 - A. Crash avoidance
 - B. Crashworthiness
 - C. Other Rulemakings
- II. Consumer Information
- III. Miscellaneous

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366-1810, by COB June 11, 1999.

Issued: May 6, 1999.

L. Robert **Shelton**,
Associate Administrator for Safety Performance Standards.

[FR Doc. 99-11789 Filed 5-10-99; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Safety Performance Standards Program Meeting

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of NHTSA Rulemaking Status Meeting.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry **regarding** the agency's vehicle regulatory program. **DATES:** The Agency's regular, quarterly public meeting relating to its vehicle regulatory program will be held on Wednesday, June 16, 1999, beginning at 9:45 a.m. and ending at approximately 12:00 pm. at the Clarion Hotel, Romulus, MI. Questions relating to the vehicle regulatory program must be submitted in writing with a diskette (Wordperfect) by Friday, May 28, 1999, to the address shown below or by e-mail. If sufficient time is available, questions received after May 28 may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by May 28, 1999, and the issues to be discussed, will be posted on NHTSA's web site (www.nhtsa.dot.gov) by Monday, June 11, 1999, and also will be available at the meeting. The next NHTSA vehicle regulatory program meeting will **take**

NHTSA SAFETY PERFORMANCE STANDARDS PROGRAM MEETING
Clarion Hotel - Romulus, Michigan
June 16, 1999

Crash avoidance

1. Please provide an update on planned FMVSS 108 rulemaking activity regarding recodification / simplification of the non-headlamp portions of FMVSS 108.
2. Please update the status of the agency's harmonization actions on lighting, resulting from the April GRE. Also, please provide **further** discussion on the 12/10/98 SNPRM responses regarding geometric visibility and rear amber side markers.
3. Please update the status of the proposed changes to the DRL requirements in FMVSS 108 and when this action might occur? Will the public have another chance to comment on these rules when published? What is your current belief as to whether daytime running lights provide a safety benefit to drivers of American roads?
4. What is the status and anticipated timing the NPRM mentioned at the March 1999 meeting regarding the use of LED lamps for external lighting?
5. When does the agency now plan to terminate the rulemaking regarding special safety features on power windows (Docket 96-117, FMVSS I 18)?
6. Please update the status of work regarding revisions to FMVSS 124 to facilitate electronic accelerator controls and provide any additional insight regarding the agency's views on this subject.
7. Please update the status and anticipated timing for a NPRM to require pressure locking radiator caps.
8. Please update the timing for a regulatory decision on the FMVSS 102 petition tiled by BMW to facilitate electronic shift controls.
9. Please update the current status of NHTSA's anticipated actions regarding FMVSS 103/104 including the results of any discussions in Europe with GRSG.
10. The FMVSS 103, "Windshield Defrosting and 'Defogging Systems'", and the FMVSS 104 "Windshield Wiping and Washing Systems", effort to obtain functional equivalence or harmonization as well as in the FMVSS 135, "Light Vehicle Brake Systems" vehicle weight classification rulemaking, demonstrated that harmonization in the definition of vehicle categories is a key issue. Is NHTSA initiating efforts directed at international resolution and harmonization relating to vehicle category definitions and specifications?

Crash avoidance

11. Some recent press articles have surfaced recently on glare from HID's. Does NHTSA plan to analyze the performance of these types of headlamps? If so, what action is being considered?
12. What is the NHTSA plan for action regarding rollover performance evaluation. Is a regulatory proposal, request for comments or a consumer information program under consideration? When will the results of the VRTC testing be released?
13. Please outline the steps NHTSA plans to take regarding the petitions for ndemaking submitted by JATMA, ETRTO and others for FMVSS 109.
14. Does the agency plan any regulatory action regarding inside trunk releases? If so, would the regulation have any performance requirements, or would it only require an inside trunk release?
15. Why can NHTSA mandate a separate amber rear and front turn signals on vehicles? If all vehicles have a separate amber rear turn signal, it will become very distinctive from the red brake light and parking light. The driver **after** the car will NOT get confused between the turn signals and brake lights and the rear end collision will be greatly reduced.
16. Why does NHTSA not allow the European ECE coded headlamps to be used in US? The light pattern on low beam has a sharp cut-off and spread to the right hence it has a lot less glare to incoming drivers than our DOT low beam.

Crashworthiness

17. At the March 18, 1999 NHTSA/Industry public meeting, it was stated that the expected date of publication of the lab test procedure for the optional side impact pole test for Standard 201 was June, 1999. Please comment on the status.
18. At the March 1999 meeting, NHTSA indicated that an NPRM for changing the vertical height spacing for multiple impacts with the FMH for FMVSS 201 was expected to be out in April 1999. Please provide an update on the status.
19. Please provide an update on the status of any plans for rulemaking with respect to **functional** equivalence determination and harmonization of FMVSS 202 (Head Restraints)
20. Please provide an update on any plans to upgrade FMVSS 207 (Seating).
21. What is the revised timing for the FMVSS 205 NPRM to reference the updated version of the ANSI Z26 standard?

Crashworthiness

22. Please indicate when the agency now anticipates an FMVSS 205 request for comment notice regarding alternative glazing for improved occupant retention. Please describe NHTSA's current thinking regarding the most likely course of rulemaking for improved occupant retention in rollover crashes.
23. At the March 1999 meeting, NHTSA stated that they planned to propose changes to FMVSS 206 (Door Locks and Door Retention Components) by August 1999. Please comment if there is any change to this plan.
24. What is NHTSA's standard of reliability for **airbag** control systems currently in use? Given that a no-cause deployment, or other inappropriate deployment, can cause severe injury or death, is there an established acceptable Mean Time Between Failure, and if so, what is it and how is it measured? If this standard exists, is there a procedure for recall when a design or manufacturing process does not meet the requirement?
25. What is NHTSA's standard of reliability for future (complex/smart/advanced) air bag systems? What will be the required MTBF, and what are the acceptable levels of morbidity and mortality (that is, how many deaths and severe/incapacitating injuries are deemed acceptable per year?) Is there a plan for progressively improving the reliability from year-to-year? What will be done if such improvement is not achieved?
26. When will NHTSA require all shops offering auto repair and maintenance to also offer **airbag** switch installation? If not, then why not?
27. Please update the anticipated timing for **final rules** adopting the Hybrid 111 5th percentile adult female, 6-year-old child, and **3-year-old** child test dummies in Part 572. Please indicate whether the agency anticipates incorporating calibration corridor adjustments recommended by the SAE and other commenters regarding the proposals for each of these dummies.
28. It has been discovered that the lateral response calibration corridor for **SID/HIII** test dummy's neck (Hybrid III) inadvertently was specified incorrectly in Part 572, subpart M. It is our understanding that the NHTSA is aware of this problem which began with an incorrect specification in a SAE test dummy's users manual. A petition from the industry to correct this subpart M error is expected to be submitted soon. Please indicate if the NHTSA plans to correct this error through expedited rulemaking. **SID/HIII** users need to be able as soon as possible to use the Hybrid III necks calibrated to the correct corridor.
29. Please update the status of NHTSA activity and anticipated timing of an NPRM regarding frontal offset impact testing.
30. Please update the status of the agency's response to petitions for reconsideration to FMVSS 225 for child restraint anchorage.

Crashworthiness

31. What is the current status of a possible regulatory decision regarding the agency's research comparing static and dynamic roof crush performance? Does the agency expect to go forward with an upgrade of FMVSS 216?
32. Please provide any new information on the status/timing of NHTSA efforts to upgrade FMVSS 301, Fuel System Integrity.
33. How does the possibility for an upgrade to FMVSS 301 (increase in velocity) affect FMVSS 303? Is the agency considering an amendment to FMVSS 303?
34. Please update the status of the agency's response, including its report to Congress, and any other new information regarding the harmonization petition and upgrading of the dynamic side impact portion of FMVSS 214.
35. Does the agency still expect to publish the FMVSS 305 final rule in July of this year?
36. What agency actions are planned in response to the Alliance petition for reconsideration of the 208 and rollover warning label requirements?
37. What is the agency's reaction to the information presented at the April 18th public meeting on OOP of side air bags? Does the agency intend to pursue any rulemaking in this area?
38. When will the NHTSA conduct the 95% male ATD sled tests to look at the occurrence of "bottoming out" with redesigned airbags involved in high speed collisions? When will this data be made available to vehicle manufacturers for analysis and review?
39. The final rule revising the test procedure in FMVSS 216 was published in April 1999 for vehicles with rounded roofs or vehicles with raised roofs. Please comment on the agency's plan to update the Laboratory Test Procedure for FMVSS 216, TP-216-04.
40. Has NHTSA completed its current phase of vehicle crash compatibility testing, and if so, when will test results not yet released be made available, and how? When will NHTSA release its anticipated report to Congress on this subject?
41. Please summarize findings/results of the April 20th public meeting discussions regarding biomechanics injury measures, and areas where further research details will be needed? Will industry participation in the detailed planning and implementation of this research work be welcomed, in support of the FMVSS 208 SNPRM?
42. Please provide any new information on harmonization of glazing requirements.

Crashworthiness

43. When does NHTSA plan to issue the SNPRM on advanced air bags? What is the status of air bag testing work, and when might this data be available for analysis by manufacturers and other parties?
44. What is the status of NHTSA's examination of crash test protocols within the context of the proposed changes to FMVSS 208?
45. Is NHTSA considering the adoption of the child test dummies proposed in FMVSS 208 into FMVSS 213? If so, would the head, chest and neck criteria be added to FMVSS 213?
46. Why has NHTSA not issued an immediate emergency order permitting ANY owner of a 1997 or earlier Chrysler minivan to have their air bags disconnected or fitted with a switch, ON REQUEST, without regard to whether that owner's usage of the vehicle tints the narrow categories of people currently allowed to have switches installed? Why has NHTSA not issued an immediate emergency recall order, requiring Chrysler to offer at least temporary air bag disconnections to those owners that wish to disconnect, pending a resolution of this critical safety hazard to children from these dangerously aggressive passenger side air bags? Why has NHTSA not opened a formal defect investigation on these dangerous 1994 through 1997 Chrysler minivan passenger side air bags, a process that will likely lead to a recall and retrofitting of less dangerous air bags in those vehicles?
47. In NHTSA's supplemental questions and answers regarding air bags, it states, "In no instance, has a child above the age of nine been killed by the air bag." Some two months after the air bag killing of an 11-year old child, NHTSA published information wrongfully stating that no child over the age of 9 had been killed by an air bag.

Why did NHTSA first publish this known false and deceptive information in November of 1997?

What did NHTSA hope to gain by trying to falsely convince parents that air bags were not critically dangerous to mid-age children of ages 10 and 11?

Why is this false information still distributed by NHTSA?

When will NHTSA correct this false and deceptive information?

Will NHTSA retroactively mail a correction of this false and deceptive information to all recipients of the air bag on-off switch permission information kit?

Consumer Information

48. Please update the current status of NHTSA's consumer information initiatives on Crashworthiness ratings, NCAP, side impact NCAP, braking, lighting and rollover,

Consumer Information

- 49 What is the status of the agency's efforts to develop stopping distance consumer information? Does the agency believe there is a way to provide meaningful stopping distance consumer information? Does the agency intend to move forward with an ANPRM on this subject? If so what is the anticipated timing?
- 50 Please provide as much information as possible on how the agency intends to proceed with its rollover crash avoidance program. When will the detailed results from the VRTC test program be available? Has the agency made a regulatory decision on how to proceed, and, if so, what is that decision (regulation, consumer information, terminate)? Will the next notice be an RFC, ANPRM or NPRM on this subject, and, if so, which and when?
- 51 Does the agency plan to develop a rollover propensity label? If so will it rank vehicles within a distinct vehicle category or across all vehicle types and sizes?
- 52 What is the timing for the completion of the NHTSA study on the American Automobile Labeling Act (Parts Content Labeling) regulations? How does NHTSA plan to publish the results and what follow-up action does NHTSA contemplate following the release?
- 53 What is the current status regarding reconsideration of Part 541, the Theft Prevention Standard? Has NHTSA had any contact with the Department of Justice relating to their request for comments published in the September 11, 1998, Federal Register relating to the anti-theft parts marking requirements? Can NHTSA give any indication of the timing and substance of the DOJ report required by the Anti Car Theft Act of 1992?
- 54 Does the agency anticipate any rulemaking action to result from the MVSRAAC ABS research that is scheduled to be completed later this year?
- 55 Since there will not be an R & D meeting in conjunction with this June quarterly rulemaking meeting, can you provide any information and analysis of the field investigation work being done by the National Center for Statistics and Analysis Special Crash Investigation group regarding a) air bag serious injuries and fatalities, b) depowered air bags, and c) side air bags?
- 56 What is the anticipated schedule for the various consumer information brochures (safety features, safer vehicles for children, buying a safer vehicle) for MY 2000?
- 57 On April 28, 1999 the Office of Vehicle Safety Compliance held a meeting with interested parties to discuss vehicle importation issues, and the processes by which Registered Importers handle regulatory requirements. Many regulatory and process issues were covered and the prospect for possible revisions to the RI regulations was identified. Can the NHTSA at this time identify the likely timing for such a regulatory initiative?

Consumer Information

58. When does NHTSA anticipate issuing a final rule for the AALA NPRM? What lead-time will be given? May a manufacturer choose to “comply” with the requirements as proposed in the NPRM?

Miscellaneous

I would like responses to the following procedural recommendations:

59. NHTSA notify all related petitioners when it has decided to initiate a rule-making project.

NHTSA issue periodic progress reports to petitioners on rules being developed at the request of said petitioners.

NHTSA actively seek suggestions on procedures, studies, or research related to the development of proposed rules.

- NHTSA explains to petitioners why it will not be addressing issues identified by petitioners. NHTSA notify all petitioners when a proposed rule is released for comment.

NHTSA provides answers to questions and suggestions that petitioners raise during the comment period on a proposed rule.

- NHTSA identifies the probable date a final rule will be released, following the comment period on the proposed rule.

NHTSA provides an explanation to all petitioners if it cannot meet its own deadlines for rule formulation. I realize that procedures may be in place to accomplish certain, if not many of these suggestions. However, in our experience as a petitioner, none of these activities took place.

60. Please provide the status of the 4th Report to Congress on seat belt and air bag effectiveness that was due to be submitted late last year. If it has been submitted, how can copies be obtained?

61. Has NHTSA, in conjunction with other government agencies, taken specific actions to encourage signatures by foreign countries or regional organizations to the 1998 Agreement on Global Technical Regulations for Wheeled Vehicles, Equipment and Parts by September 26, 1999 so that the Agreement can go into effect with the minimum of five signatories. After that date, the Agreement would go into force with a minimum of eight signatories. Does NHTSA agree that a forum such as would be provided by the 1998 Agreement is necessary to establish a process to avoid unnecessary lack of harmonization in new standards?

Consumer Information

62. Status of the Kempthorne petition on unbelted testing in FMVSS No. 208?

Has this petition ever received a formal answer from NHTSA?

If yes, how may I obtain a full copy of the answer with all supporting appendices?

If no, when will NHTSA publish the formal answer?

If NHTSA does not intend to ever formally answer this petition, how does the agency justify not answering it in a formal way?

SCORECARD

6/16/99

Commitments Made at March 18, 1999, Rulemaking Status Meeting

<u>Std</u>	<u>Description</u>	<u>Target</u>	<u>New Est.</u>	<u>Actual</u>
102	Electronic Shift Control -- Agency Action	5/99	8/99	
108	Geometric Visibility -- Final	9/99	10/99	
108	Simplification - Headlamp -- Final	10/99		
108	Simplification - Other--NPRM	7/99	11/99	
108	DRL - Agency Action	8/99	12/99	
111	Norton -- Agency Action	5/99	8/99	
118	Power Windows -- Agency Action	4/99	7/99	
121	SAE Alignment -- Final	10/99		
124	Electronic Accelerator Control - Agency Act.	7/99	9/99	
135	Pedal Force -- Agency Action	4/99		4/99
201	Reconsid. Pets./Other Issues -- Agency Action	4/99	8/99	
202	Upgrade/Harmonization -- Agency Action	5/99	9/99	
205	Alternative Glazing -- Agency Action	6/99	10/99	
206	Upgrade -- NPRM	8/99	11/99	
207	Agency Action	10/99	TBD	
208	"Advanced" Air Bags -- SNPRM	9/99		
209	Pelvic Restraint -- Final	4/99		5/99
213	Weber -- Agency Action	4/99	8/99	
216	Roof Crush Resistance -- Final	4/99		4/99
216	Upgrade -- Agency Action	10/99	TBD	
301	Upgrade for Light Duty Veh. -- Agency Action	9/99	12/99	
305	Electric Vehicle CW -- Final	6/99	9/99	
572	Small (5th Percentile) Female -- Final	7/99	9/99	
572	CRAB1 12 Month Old -- Final	11/99		
572	3 Year Old -- Final	8/99	10/99	
572	6 Year Old -- Final	5/99	8/99	
575	UTQGS -- Final(AIAM)	4/99		5/99
	Functional Equivalence -- Agency Action			
	103/104	4/99		4/99
	108 -- Final	5/99	7/99	
	214	6/99	9/99	
	Multistage Certification Reg Neg	4/99		5/99
	Radiator Caps -- NPRM	6/99	9/99	
	Rollover -- Agency Action	8/99	9/99	

	<u>Last Mtg</u>	<u>This Mtg</u>
EARLY	1	0
ON-TIME	0	3
DELAYED	27	26

RULEMAKING ACTIONS PUBLISHED SINCE MARCH 18, 1999

STD./PT.	ACTION	DESCRIPTION
103/103	Denial	Denies rulemaking petitions to amend two standards by accepting a European Union (EU) Directive as an optional "functionally equivalent" alternative to each safety standard (4/19/99 - 64 FR 19106)
135	Withdrawal	Withdraws a rulemaking action initiated with the issuance of a proposal in 1996 to expand lb requirements for the passenger car brake system standard to trucks, buses, and MPVs with a GVWR of 4,536 kilograms (10,000 lbs) or less (4/26/99 - 64 FR 20245)
209	Final Rule	Deletes the provision requiring that the lap belt portion of a safety belt system be designed to remain on the pelvis under all conditions (5/19/99 - 64 FR 27203)
210	Withdrawal	Withdraws a rulemaking action to require that the lap belt angle for rear adjustable seats be measured in the rear-most adjustment position (6/2/99 - 64 FR 29617)
216	Final Rule	In response to petitions for rulemaking, revises the test procedure to make it more suitable for testing vehicles with rounded roofs or vehicles with raised roofs (4/27/99 - 64 FR 22567)
531	Final Rule	Provides a procedure by which a vehicle manufacturer may notify the agency of the model year in which it elects to consider production of components and automobile assembly in Mexico as domestic value added (5/19/99 - 64 FR 27201)
533	Final Rule	Establishes the average fuel economy standard for light trucks manufactured in model year (MY) 2001 which is identical to the standard for MY 2000, 20.7 mpg (4/7/99 - 64 FR 16860)
567/568	Notice of Intent	Proposes to establish a Negotiated Rulemaking Committee to develop recommended amendments to the existing regulations governing the certification of vehicles built in two or more stages so that certification responsibilities can be more equitably assigned among the various participants in the multi-stage vehicle manufacturing process (5/20/99 - 64 FR 27499)
575	Clarification	Clarifies the compliance date for the final rule that amended the rollover warning labels currently required for small and mid-sized utility vehicles (4/26/99 - 64 FR 20209)
	Final Rule	In response to a petition for rulemaking, rescinds the requirement that passenger car manufacturers provide general UTQGS information to purchasers and potential purchasers at the point of sale of new vehicles, requiring instead that such information be included in owners' manual (5/24/99 - 64 FR 27921)

NATIONAL HIGHWAY TRANSPORTATION SAFETY ADMINISTRATION
INDUSTRY REGULATORY PUBLIC MEETING

Clarion Hotel - Romulus, Michigan

June 16, 1999

A.M. & P.M. COURT REPORTING
1203 W. Huron St.
Ann Arbor, MI 48103
(734) 741-0475

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P R O C E E D I N G S

(Time noted: 9:50 a.m.)

MR. ROBERT SHELTON: Good morning.
Someone was complaining about the weather. I
thought it was okay, actually. I think, in
general, when Steve and I have come up here the
weather has been okay. I'm starting to think
that Detroit is a real garden spot.

(Laughter.)

MR. DON SCHWENTKER: It's the weather in
this room that's no good.

MR. SHELTON: Yeah, the weather in this
room needs a little work.

I apologize for the lack of donuts and
pastries. I know the last two meetings AIAM took
care of them and in theory the Alliance was
responsible this time, but it was actually a mess
up at our end. So do not blame Vann Wilber.
Vann is totally innocent and was quite willing to
take care of the refreshments.

Other exciting things, we're not going to
do the door prize this time. We're still
thinking of doing it in the future, but we
thought we'd do it a little intermittently to
keep the "surprise" in door prize. So for those
of you who came here solely for the door prize,

1 you can go now.

2 (Laughter.)

3 MR. SHELTON: I hope people have signed-
4 in, though,, on the sign-in sheet. My concern was
5 that after the door prize incident that people
6 wouldn't sign-in. So please do.

7 I'd like to say that, for this meeting,
8 we did get a lot more questions from the general
9 public than we normally do. That's one of the
10 benefits or side effects of putting the notice
11 for the meeting on the web site.

12 We have a general philosophy of trying to
13 respond to all questions. I think we'll respond
14 to most of those questions. Some of the
15 questions are not really rulemaking related, so
16 I'm not going to argue with people about why we
17 have airbags in cars or anything like that. This
18 is a rulemaking status meeting and not a
19 philosophical debate.

20 Most of the questions, as you see on the
21 agenda, we still have in there and we will
22 respond to those questions, as long as they're at
23 least tangentially related to rulemaking.

24 As before, as we did at the last meeting,
25 we tried to eliminate the duplications in the
26 questions. As a consequence the questions are

1 not attributed to anyone in particular, so they
2 just go straight through from crash avoidance to
3 crashworthiness to miscellaneous.

4 I hope people have the hand-outs. We
5 have the usual hand-outs out there; the
6 regulations we've issued the last several months,
7 the scorecard and copies of the agenda.

8 So, with that, I think I'm going to turn
9 things over to Steve to start on the questions.

10 MR. STEVE KRATZKE: Before I start on the
11 questions, you might remember that last time I
12 told you I had reorganized my office and that I
13 had a vacancy for a division that does vehicle
14 controls, light vehicle rollover and adapted
15 vehicles. I have filled the position. I had
16 some excellent applicants. I've chosen Pat Boyd,
17 who formerly worked for Rich Van Iderstine in
18 lighting and who's gone to Geneva several times
19 for us.

20 For better or worse, Pat has had
21 experience working in vehicle rollover and
22 controls, as well as other issues. He's someone
23 who I've relied on a lot and I just thought I'd
24 let you know, he's now a Division Chief.

25 MR. SCHWENTKER: Can you give us the
26 official title?

1 MR. KRATZKE: Yes. The Division Chief of
2 the Vehicle Controls and Adaptive Vehicle
3 Division. It doesn't mention rollover in the
4 name, but trust me, it's there.

5 MR. SHELTON : Steve makes these titles
6 up, not me.

7 (Laughter.)

8 MR. KRATZKE: I take full credit for
9 this. Wait till we get to visibility and injury
10 prevention. We'll save that.

11 And with that, we'll kick in to the
12 agenda and try to blast through crash avoidance
13 more quickly.

14 Update on the 108 rewrite. Pat Boyd,
15 who's now the Division Chief, was the person who
16 was doing the 108 rewrite. He's still going to
17 keep doing it. It's not the kind of project you
18 can tell someone else, "God speed." Well, you
19 can, but it's mean, so we're not doing it.

20 It's going to be in the mix with this
21 other stuff. So we're now shooting for a date of
22 getting out the final headlamp rewrite. We've
23 gotten the comments from everyone. That's going
24 to be in October.

25 The non-headlamp portions of it will
26 probably be November. It doesn't mean that it's

1 not important, it's just that we'd like to get
2 the final rule out on headlamps. We have the
3 public comments, we know what you're saying and
4 I'd like to do that. We're getting a bunch of
5 figures for the non-headlamp part, so that's why
6 it's later.

7 MR. MIKE FINKELSTEIN: They're both final
8 rules?

9 MR. KRATZKE: No. The non-headlamp is a
10 proposal, an NPRM.

11 Question two, please update the status of
12 our harmonization actions on lighting resulting
13 from the April GRE.

14 It's an odd question. The April GRE --
15 the United States has put in a proposal asking
16 that our negotiated rulemaking beam pattern be
17 considered for a harmonized worldwide beam
18 pattern.

19 The meeting of experts has decided that
20 that proposal will go on hold until they get the
21 proposal that they have requested from the
22 industry for a harmonized worldwide beam pattern.
23 The GTB -- which is an acronym and it's a French
24 thing -- that's been asked to do the beam pattern
25 has reached agreement, but they haven't yet
26 decided when they're going to present it.

1 So the status in Geneva is we're on hold,
2 waiting for the industry to make its presentation
3 and pretty much the ball is in the lighting
4 industry's court for anything to happen.
5 Harmonization on lighting was not discussed in
6 the April meeting of the lighting experts.

7 The second part of the question asks
8 about our December SNPRM on geometric visibility
9 in rear amber side markers.

10 Just for the record, that supplemental
11 notice terminated any further rulemaking on rear
12 amber side markers. So there's nothing to say on
13 that.

14 With respect to geometric visibility, we
15 haven't finished analyzing the comments that we
16 have gotten. The consensus position from the
17 industry seemed to favor adopting the
18 GTB/European standards instead of the SAE. The
19 GTB, the European standards, are more stringent.
20 The big truck manufacturers indicated that we'd
21 probably have to leave a fifteen year lead time
22 to do that and we're analyzing all of this; we
23 haven't finished.

24 So I don't really have a characterization
25 of that. It's something that we're anticipating
26 a final rule in approximately a December time

1 frame -- December of 1999. I do want to be
2 pinned down on that.

3 Now, one of the most popular questions --
4 although Bob did a nice job of editing it, so it
5 appears that only one person asked this question
6 -- the status of the proposed changes to the DRL
7 requirements and when it might happen.

8 I think whoever asked it knows that we've
9 said we're trying to have a final rule that will
10 markedly reduce the glare from DLRs while not
11 reducing the conspicuity to a level where they
12 don't serve any purpose anymore. We are trying
13 to arrive at a compromise between those different
14 interests based on the comments, the research,
15 the data, our talks with Canada, etcetera,
16 etcetera.

17 We haven't gotten a final decision
18 together yet, but we expect that we will announce
19 something in September. One of the questions
20 that doesn't show up in this neatly edited little
21 version was one manufacturer had asked "What
22 about permitting full-power low beams as day time
23 running lights?"

24 And the answer is, I'm not going to talk
25 about any specific variation of it, except to
26 note that in our proposal we had a system where

1 there were intensity limits for all lamps as DRLs
2 and you can interpret that as you like.

3 And we had a lot of questions -- one from
4 a Mr. James C. Walker, one from a Mr. Yee Roui
5 Wei, one from a Mr. Charles Alt and one from Mr.
6 Cheap Chili; that's his E-mail name -- which were
7 asking -- basically saying that there are no
8 studies which show safety benefits for DRLs.

9 Mr. Wei compared them to a smoker who's
10 allowed to smoke in a public place and they enjoy
11 the experience more and it ruins it for everybody
12 else; "What do you intend to do?"

13 What we're trying to do is study the data
14 regarding the crash involvement of US vehicles
15 with DRLs. Our National Center for Statistics
16 and Analysis has done a preliminary cut comparing
17 models that have it and don't have it and seeing
18 what we can do.

19 For all those questioners, it's true,
20 there are no studies that we believe are
21 convincing about benefits in the US driving
22 environment, however, all the studies that have
23 been done around the world, flawed or not, have
24 never found a safety disadvantage to DRLs. The
25 assertion in a number of these questions is that
26 there are such studies. We're not aware of them.

1 We've seen reports from studies of crash
2 reduction ranging from two percent to 15 percent.
3 We've never seen negative.

4 So the reason that we allow DRLs is
5 because, based on the information, there's
6 nothing that indicates it's negative. We can use
7 the information to see how effective they are and
8 we understand the concerns about the level of
9 glare with the current designs.

10 So that's my current belief as to whether
11 they provide a safety benefit to drivers. We're
12 looking at it.

13 Item number four --

14 MR. SCHWENTKER: Excuse me, Steve.

15 MR. KRATZKE: Yes.

16 MR. SCHWENTKER: What about the question
17 that says will the public have another chance to
18 comment on the rules. Because the answer -- it's
19 a final rule and therefore the answer to that is
20 "No"?

21 MR. KRATZKE: Well, with a final rule you
22 can always file a petition for reconsideration.
23 We're planning on doing a final rule if that's
24 what the the questioner wants to hear. We're
25 planning on doing a final rule and not a
26 supplemental notice.

1 Yes?

2 MR. JAMES WALKER: The HLDI study showed
3 a slight dis-benefit to DRL equipped cars in
4 personal injury claims. I have sent a copy of
5 that study to NHTSA.

6 MR. KRATZKE: Excuse me, could you
7 identify yourself for the record?

8 MR. WALKER: James Walker. I sent a copy
9 of that study to NHTSA some months ago. It shows
10 a slight dis-benefit to personal injury claim
11 frequency in cars with and without DRLs, compared
12 the year before and the year after, when there
13 were no other design changes in the vehicles. I
14 think there is at least this one study that shows
15 a distinct dis-benefit.

16 MR. KRATZKE: I will look at it.

17 MR. WALKER: I'll give you another copy
18 today.

19 MR. KRATZKE: Thank you. The next
20 question -- by the way, are there any more
21 questions on day time running lamps?

22 (No response.)

23 MR. KRATZKE: Well, that was painless.
24 Question four asks about the status and timing of
25 allowing LEDs for external lighting.

26 At the last meeting I mentioned that I

1 hoped that this was something that we'd hoped we
2 could leave to the industry and we stopped
3 rulemaking in '93 and said, "Go for it. YOU guys
4 tell us what it should be. It's a new area and
5 we'll let it happen."

6 We got a petition from a small
7 manufacturer of LEDs saying, "Nothing's happening.
8 There's no interest in doing anything."

9 So we decided, "Well, we can do
10 something." And we came up with our NPRM.

11 Shortly after that the SAE decided,
12 "Well, you know, maybe we can do something." And
13 they got to work and formed a committee that met
14 in February, where they had a presentation on
15 LEDs and where Transport Canada indicated it was
16 going to do some quick reaction testing to
17 address concerns of it.

18 We've met with Transport Canada. They've
19 given us copies of the testing that they've done.
20 The SAE committee has just updated, but not yet
21 published, a new version of J1889 to address LEDs
22 on external lights. We got an electronic copy of
23 that on June 4th.

24 We're planning on studying these two
25 documents, the Canadian test results and the new
26 SAE recommended practice. They are good positive

1 steps forward. It will probably lead to a
2 supplemental notice of proposed rulemaking in
3 October.

4 Questions?

5 (No response.)

6 MR. KRATZKE: If not, bouncing right
7 along to number five. When do we plan to
a terminate rulemaking on power windows?

9 July.

10 Questions?

11 (No response.)

12 MR. KRATZKE: Number six, please update
13 status of work on Standard 124 for electronic
14 accelerator controls and provide whatever
15 insights I can.

16 As we've said before, we want an updated
17 standard that allows more design freedom in
18 achieving failsafe performance, but does not
19 reduce the scope of our existing standard.
20 Throttle position would no longer be the only
21 recognized indicator of successful failsafe
22 control of engine power under this proposal.

23 We expect manufacturers would be given a
24 choice of several alternative test methods,
25 including those that were suggested by AAMA and
26 AIAM jointly, for their light vehicles and the

1 Truck Manufacturers Association to demonstrate
2 failsafe performance in the event of a severance
3 at any of the various connections that we regard
4 as critical.

5 We intend to retain the present response
6 time requirements for accelerator control systems
7 that are not severed, that are otherwise intact,
a and we expect to have a proposal out by the next
9 Industry Meeting in September.

10 Questions?

11 Vann?

12 MR. VANN WILBER: Vann Wilber, the
13 Alliance. Are there other areas that you are
14 currently actively looking at rulemaking that
15 involve electronic controls?

16 MR. KRATZKE: The thing that leaps to
17 mind, and you'll regret hearing this, is
18 electronic braking systems on heavy trucks.
19 There are ways to overlay electronics and get rid
20 of the air brakes. We are looking at what we
21 need to do to our Standard 121 to allow
22 electronic brake systems. Is there something
23 there that's stopping it?

24 We are aware of some other issues
25 regarding electronic controls, but, no, I think
26 that Standard 124 is really the first time we've

1 gotten into what happens when you can have an
2 electronic system do what you used to need a
3 fully mechanical system to do.

4 Any other questions?

5 (No response.)

6 MR. KRATZKE: If not, question number
7 seven is about status and timing for NPRM for
a pressure locking radiator caps.

9 That should happen in September.

10 Question eight is timing for a decision
11 on BMW's petition about PRNDL, that's our acronym
12 for the Park, Reverse, Neutral, Drive, Low
13 sequence on automatic transmissions.

14 We expect to announce our decision in
15 August. We are reluctant to give up the benefits
16 of a standardized PRNDL sequence, but we would be
17 willing to do so if it were shown that PRNDL was
18 a needless impediment to new designs and that
19 there was no continuing need for standardization
20 or that some other sort of standardization could
21 achieve the same ends that PRNDL has done.

22 In this case BMW asked for and got an
23 interpretation dated September 25, 1998 that said
24 the shift lever sequence, as modified by BMW,
25 that it is currently considering, would not
26 violate the existing PRNDL requirements.

1 Given that BMW's plans aren't bothered by
2 the PRNDL requirements and that no other
3 manufacturer has given us information about a
4 design where PRNDL requirements would be a
5 problem, it doesn't look like there's a
6 compelling reason to do away with the
7 standardization in this area.

a Questions?

9 (No response.)

10 MR. KRATZKE: If not, rolling right
11 along. Please update the current status of 103
12 and 104 including our discussions with the
13 meeting of experts on general safety; that's
14 GRSG, for those of you not familiar with it.

15 Well, the current status is we denied a
16 functional equivalence petition for 103, 104 with
17 the European versions. On April 19th we went to
18 the meeting in Geneva and asked for and got time
19 to make a formal presentation explaining our
20 concerns and why we had denied the petition,
21 because of the smaller cleared areas, with no
22 rationale for why 20 percent smaller viewing area
23 is offset by anything else.

24 We specifically expressed our hope that
25 the differences could be resolved in a global
26 technical regulation that would be proposed by

1 OICA.

2 At the end of our presentation, the
3 chairman of the meeting of experts asked for
4 OICA's comment on the US position and OICA stated
5 that this was the first they'd heard the US was
6 concerned about the problem and they didn't know
7 what they were going to do.

a So at this point those are our actions.
9 We still hope we can move to a global technical
10 regulation, perhaps proposed by someone else.

11 Any questions?

12 (No response.)

13 MR. KRATZKE: If not, another
14 harmonization one follows it. Number ten talks
15 about experience with 103, 104 and 135 -- has
16 shown that harmonization in the definition of
17 vehicle categories is a key issue and asks
18 whether we're directing any efforts to try to get
19 international resolution of the different vehicle
20 classifications.

21 I'll spare you the details, but it's
22 certainly true that in 103, 104 and Standard 135,
23 or our light vehicle brake standard, the
24 differences in vehicle classification is
25 effecting peoples interest in moving forward on
26 harmonization. What we have done is indicate, as

1 clearly as we can, that the United States will,
2 as a default position, propose standards for
3 light vehicles. That will cover light trucks,
4 sport utility vehicles, vans, etcetera, under a
5 certain weight limit and passenger cars. They
6 will be treated that way in the United States.

7 It doesn't seem like it will be very
a productive for us to insist that it be done that
9 way in Europe or in Japan. They have both got
10 some concerns about that in specific contexts.
11 Pickup trucks are always held up as a vehicle
12 that just couldn't possibly meet those standards.
13 Although, I would note that passenger vans and
14 sport utility vehicles do have to meet passenger
15 car standards in Europe because they're in that
16 M1 class.

17 But the US has raised the issue at the
18 meeting of experts. What we've gotten back is
19 it's a very significant impediment, it's like
20 talking about changing certification systems, it
21 doesn't really help us. So we have indicated
22 that we are going to have our standards apply to
23 light vehicles in general, we're not going to
24 insist the world do that.

25 Questions?

26 (No response.)

1 MR. KRATZKE: Number 11 notes that some
2 recent press articles have talked about glare
3 from high intensity discharge lamps. What do we
4 plan to do about this?

5 We certainly are concerned about glare
6 from headlamps. Most interesting is some work
7 the University of Michigan has done with the HID
a headlamps -- that's the acronym for high
9 intensity discharge -- they did a study where
10 they asked drivers to rate the glare they were
11 getting from two different lamps -- one was a
12 halogen lamp and one was an HID lamp -- and tell
13 the researcher when you have the same level of
14 glare.

15 What was interesting about the report was
16 that most of the people found about the same
17 level of glare when the halogen lamps were 40
18 percent brighter than HID. Now, that doesn't
19 make any sense the way that we've conventionally
20 looked at it, because if you have the same amount
21 of light coming in, certainly a 40 percent
22 difference is major.

23 Europe requires HID headlamps to have
24 automatic leveling and cleaning as a prerequisite
25 for installation because they really want to
26 make sure that this will not shine in peoples

1 eyes.

2 When we were doing the negotiated
3 rulemaking all of the people in that -- when we
4 saw HID lamps in the car, every one of the 35
5 people who were there in the middle of the night
6 in God-Knows-Where, Maryland, agreed the HID lamp
7 was the preferred lamp to have in your car. Our
8 concern is if it's not preferred by anybody else
9 on the road we'd like to address that before it
10 turns into a big issue. We might need to
11 exercise greater control over HID lamps than over
12 halogen lamps, based on what the University of
13 Michigan has found.

14 We're planning on publishing a notice of
15 request for comment by the end of this year where
16 we're going to lay out what we know about HIDs,
17 what research we've seen, the benefits and
18 potential dis-benefits and what, if anything,
19 should be done by NHTSA to address the public's
20 concern about this glare.

21 Questions?

22 (No response.)

23 MR. KRATZKE: Number 12 is a rollover
24 question and I like rollover so much I'm going to
25 save it for later. I'll do that with 51. Ask me
26 rollover questions then. I want to let you hear

1 Bob.

2 MR. SHELTON: Thanks.

3 MR. KRATZKE: Certainly. Item 13 talks
4 about the steps NHTSA plans to take regarding the
5 global tire standard petition that was submitted
6 to us.

7 Well, the same petition was submitted to
8 the group of experts on brakes and running gear
9 in Geneva in February and that meeting of experts
10 decided what they needed to do was set up a
11 Working Group that would try to get through the
12 issues on harmonized tire standards. The US is
13 going, in two weeks -- George Soodoo, our expert
14 on brakes and tires is going to London. The UK
15 is hosting the meeting and they're expecting
16 about 30 representatives there, so it certainly
17 will be a significant thing.

18 We are, right now -- as a result of that,
19 we granted the petitions. We did that June 8th.
20 We're in the process of evaluating the petitions.
21 We want to coordinate our efforts on these
22 petitions with other countries and use the
23 meeting of experts to do that.

24 We want to get some agreement on what
25 questions need to be answered in connection with
26 that petition and get some agreement on getting

1 those answers. We don't expect the United States
2 government to fund the whole effort. We hope
3 that if we can identify issues we can have other
4 countries and the industry give us information
5 that would help everyone.

6 So the next step, I guess, is going to
7 London in two weeks, seeing what comes out of it
a and ask again in September.

9 Questions?

10 (No response.)

11 MR. KRATZKE: Fourteen. Does the Agency
12 plan any action on inside trunk releases?

13 For those who haven't been following this
14 issue, we established an expert panel in
15 November. The expert panel presented a series of
16 recommendations to us, one of which was to
17 require inside trunk releases on new cars as of
18 September 2001. And we certainly plan to put out
19 a proposal to require inside trunk releases. We
20 don't want to stifle innovative approaches.
21 General Motors has announced a passive system
22 that automatically opens when it detects a person
23 inside there. We're going to have a general
24 requirement, rather than detailed performance
25 standards.

26 Certainly children are the focus of it

1 and we may help guide people to remind them of
2 how important it is to get children out and that
3 we'd like people to consider children when
4 they're doing it, but we expect that that notice,
5 along with the report to Congress, will be done
6 well before the December '99 deadline that
7 Congress gave us to report back to them on inside
a trunk releases.

9 Questions?

10 (No response.)

11 MR. KRATZKE: If not, Mr. Wei asked
12 question 15. Why doesn't NHTSA mandate separate
13 amber rear and front turn signals? It would be
14 distinct from the red brake lights.

15 In fact, he's right in the question.
16 Europe believes that you will react more quickly
17 if you know that red is the stop lamp and that if
18 you see a different color you won't jam on the
19 brakes. So Europe requires that, as does Japan.

20 NHTSA has done significant research on
21 signal lighting because we have permitted turn
22 signal lamps to be either red or amber. We have
23 a lot of vehicles manufactured both ways. And
24 even though European and Japanese manufacturers
25 have to produce amber turn signals in their own
26 countries on their vehicles, a lot of them

1 produce red when they sell the vehicle in the
2 United States. A number of US manufacturers have
3 chosen amber even though red is generally less
4 expensive.

5 So the US highways have a great
6 environment for gathering data and saying, "Well,
7 what is it? Does it help? Does it reduce rear-
8 end crashes? Does it make people more responsive
9 to stop lamps?"

10 And we have never found any evidence that
11 one color is safer than the other. And based on
12 this data we have no plans to change our
13 requirements. If anyone has data we'd love the
14 chance to review it, otherwise, we're not going
15 to.

16 My last one for a while is number 16.
17 Why do we not allow European ECE beam pattern in
18 the United States?

19 This question really is -- the United
20 States beam pattern is a choice between
21 visibility for the driver of the vehicle and
22 glare for others. We have decided that road
23 signs,, especially overhead signs, need to be
24 lighted. That increases glare for other drivers,
25 but we've decided that it's at a level that
26 should be acceptable.

1 Europe has reached a different decision.
2 They either don't use overhead signs or they
3 light them. They have a different roadway
4 environment and they do that. They are both, I
5 think, rational decisions.

6 In the US environment we certainly are
7 willing to look at whether the balance we've
8 struck is a fair and reasonable balance now, in
9 the year 1999, like it was when we did it.

10 But it seems like the issue here that Mr.
11 Wei is concerned about is glare. And glare may
12 not be a function of just light above the
13 horizontal. It may be that headlamps generally
14 are more intense than they've ever been and that
15 they're mounted higher than they've ever been
16 with the proliferation of light trucks in the
17 fleet. And that glare that you'd see as a result
18 of those two factors wouldn't have anything to do
19 with light above the horizontal. How you would
20 address that might be to try to move the headlamp
21 mounting height down and make sure that the
22 headlamps stay aimed.

23 We are certainly looking at it, but no, we
24 don't think that going to a European beam pattern
25 is the solution to the glare that Mr. Wei was
26 concerned about.

1 Questions?

2 Yes?

3 AUDIENCE MEMBER: Is NHTSA planning some
4 specific action concerning headlamp heights and
5 if so, what might that be?

6 MR. KRATZKE: We are planning to include
7 that subject in a request for comments. We'd
8 like to put out the information that we have on
9 headlamp heights and headlamp intensity, compare
10 it with information from, say, 1975, when we also
11 have information on it, and explain what we think
12 that means for drivers and get public comments on
13 what, if anything, ought to be done about that.
14 We plan to do that by the end of this year.

15 MR. STEVE JONAS: Steve Jonas,
16 Volkswagen. Will that be combined with the HID
17 or will that be two separate --

18 MR. KRATZKE: Yes.

19 MR. JONAS: Okay. One request for the --

20 MR. KRATZKE: One. One on the general
21 subject of glare. Yes, it will be combined.

22 Anything else?

23 (No response.)

24 MR. KRATZKE: If not, I'll let Bob go for
25 a long time -- but not as long as I --

26 MR. SHELTON: Not as long as it would be

1 if you were answering these ones.

2 (Laughter.)

3 MR. KRATZKE: Thank you.

4 MR. SHELTON: Question 17 asks about the
5 laboratory test procedure for the optional pole
6 test for Standard 201.

7 We had said in our previous meeting that
8 that would be available in June. According to
9 our Enforcement folks, their schedule now is to
10 have that done by the end of August. When they
11 complete that it will be placed on the web site.

12 Any questions on that?

13 (No response.)

14 MR. SHELTON: Question 18 continues on
15 the fun topic of Standard 201.

16 We had indicated at our last meeting that
17 we would be issuing an NPRM for changing the
18 vertical height spacing for multiple impacts with
19 a free motion head form. The plan had been to
20 get that out in April. We are still pursuing
21 that.

22 There are a number of clean-up issues, so
23 to speak, that have to be taken care of on
24 Standard 201 and we did agree that the current
25 150 millimeter spacing for minimum distance
26 between test points was based on the width of the

1 head and was not appropriate for vertically
2 mounted points, such as on B pillars and we
3 agreed that it was appropriate to change that to
4 200 millimeters. And we are still planning on
5 doing that and we expect to have that out in
6 August.

7 We also have a number of outstanding
8 petitions on 201 dealing with a number of issues.
9 And we will have that issued either in August or
10 September in response to those.

11 Any questions on that?

12 (No response.)

13 MR. SHELTON: Number 19, please provide
14 an update on the status of rulemaking plans with
15 regard to Standard 202, head restraints and also
16 address the issue of harmonization.

17 As we talked about before -- our plans
18 have not changed from what we've talked about
19 before. The Agency still plans to issue an NPRM
20 to upgrade Standard 202, basically to make it
21 more like the European requirement but with some
22 possible increases in stringency, actually,
23 beyond that in the areas of back-set and
24 positional locking requirements.

25 Our current plan is to get that notice
26 out in September. As I've indicated in the past,

1 we still plan to propose functional equivalence
2 with the European requirement during the period
3 of time between issuance of a final rule and the
4 effective date of the new requirements.

5 Any questions on that?

6 (No response.)

7 MR. SHELTON: Item 20, please provide an
a update on any plans to upgrade Standard 207,
9 which deals with seating.

10 Nothing has really changed on that. This
11 is one of the facts of life is that the person
12 who is working on 207 is also the 202 expert. So
13 until 202 is done we can't really make a lot of
14 progress on 207.

15 Just about all the reports that have been
16 done on 207 are in the docket. If any of you
17 need to see those materials they are in docket
18 4064.

19 At this point we do not have a scheduled
20 date for making a rulemaking decision on that.
21 As a matter of fact, on the scorecard, where we
22 had said -- well, at the last meeting, as you may
23 recall, Steve and I said that we were changing
24 the definitions on the scorecard, in that the
25 dates for action would dates for public things,
26 as opposed to saying, "Well, July 1999, Agency

1 decision," and then in September I could say,
2 "Well, we've made a decision, we just haven't
3 told you what it is."

4 We've changed all the dates to make them
5 dates for Federal Register notices or other
6 public actions, where you can check us on them.
7 So for 207 I've just changed the date to TBD,
8 because I don't know when we would have something
9 public on Standard 207. But for those of you who
10 are interested in keeping current on our
11 activities in this area, Docket 4064 has all the
12 reports on that.

13 Any questions?

14 (No response.)

15 MR. SHELTON: Question 21. What is the
16 revised timing for the NPRM on Standard 205 to
17 reference the updated version of ANSI Z-26?

18 Right now we expect to get that out by
19 September. I think there's actually a very good
20 chance that we'll beat that. It's a very
21 straight-forward change and we actually have some
22 draft material floating around the Agency right
23 now, but since my track record at predicting when
24 we are getting things out has proven to be
25 woeful, I'll stick with September as a best guess
26 right now and maybe at the next meeting the

1 scorecard will show that as an early item.

2 Any questions on that?

3 (No response.)

4 MR. SHELTON: Question 22 continues on
5 Standard 205 by asking about our plans for
6 issuing a request for comment regarding
7 alternative glazing for improved occupant
8 retention.

9 We haven't really changed our plans on
10 that. As we talked about in previous meetings,
11 we had a report out by the Research office in '95
12 on the progress and research in that area. There
13 is a new report that is in draft form, which is
14 circulating around the Agency right now, which
15 includes test results of the 40-pound impactor
16 test, which tests glazing retention, free-motion
17 head form tests to assess head injury, and high G
18 sled test to assess neck injury. And this is on
19 -- for those of you have been following this
20 issue, this is on alternative glazing designs
21 mounted in a GMC pickup door. And the report
22 also discusses details of the PPG effort that's
23 going on, the fleet study with tri-laminate and
24 bi-laminate side window glazing.

25 Like I said, there is a draft report
26 floating around right now. I've actually asked

1 the team to make some changes in it. I don't
2 think they're earth shaking. I think we can get
3 that report out, just the report itself out by
4 August sometime. And then what we plan to do is
5 follow the issuance of that report with a request
6 for comment on where do we go in this area.

7 Again, our view is to what extent are
8 things such as head bags or increased belt use
9 affecting the benefits that would be achieved in
10 this area. Again, the benefits of alternative
11 glazing are primarily in reducing ejection
12 through side windows and with increased belt use
13 and with items like head bags coming into the
14 fleet, those are addressing the same issue. It
15 will have a request for comment to ask how the
16 Agency should continue to consider those factors
17 in deciding what future course of action to take
18 on this.

19 Any questions on that?

20 Paul?

21 MR. PAUL EICHBRECHT: Any guess or
22 estimate how soon the request for comments would
23 follow the --

24 MR. SHELTON: Yeah. We hope to that have
25 out in October -- October or November; anyway,
26 this fall.

1 Question 23 asks about Standard 206 and
2 our plans on upgrading the door locks and door
3 retention component standard.

4 We are still planning on issuing a notice
5 to upgrade that standard. Right now our best
6 guess is that it will be out very late in the
7 year, probably in the November-December time
a frame. I believe on the scorecard we said
9 November. There really hasn't been any change in
10 our approach on this area, it's just one of those
11 items that's fallen behind a little bit, but we
12 are still planning on issuing something before
13 the end of the calendar year.

14 Any questions?

15 (No response.)

16 MR. SHELTON: Questions 24 and 25 are
17 related. They ask what is our standard for
18 reliability for airbag control systems in use?
19 And the thrust of the question seems to be really
20 not reliability, but preventing inadvertent
21 deployments; is there a standard for that.

22 There are no reliability requirements in
23 Standard 208 because the standard measures
24 performance of the system in a destructive crash
25 test. However, any system that proves to be
26 unreliable in the field runs the risk of going

1 through our vehicle defects process. To the
2 extent that you have a particular airbag design
3 system that demonstrates premature failures in
4 the field, these would be cause for an
5 engineering investigation and possible recall.

6 We've had a couple on this recently.
7 There is a BMW side bag issue that the
8 Enforcement Office has been looking into,
9 inadvertent deployments with side bags in 1999 3-
10 series BMWs. Daimler Chrysler just had a recall
11 of a '94-'95 Caravans because of inadvertent
12 deployments of driver airbags.

13 So we do investigate these issues and we
14 have been taking action where it was necessary,
15 to the extent that we see field problems, as far
16 as inadvertent deployments are concerned with
17 reliability of the system, but there are no plans
18 to add some sort of reliability standard into
19 Standard 208.

20 Any questions on that?

21 (No response.)

22 MR. SHELTON: Question 26 asks when will
23 NHTSA require all shops offering auto repair and
24 maintenance to also offer airbag switch
25 installation? If not, then why not?

26 Well, the answer -- the short answer is

1 "never", because we can't. We do not have the
2 authority to require manufacturers or dealers or
3 repair businesses to deactivate an airbag or to
4 install on/off switches. We have certainly tried
5 to encourage people to do this work when they get
6 authorizations from the Agency.

7 We have put information on the web site
8 indicating that we do not believe there is a
9 major liability issue, however, it ultimately is
10 the decision of the repair shops or dealers as to
11 whether they want to do this work themselves.
12 And despite our efforts to encourage people to do
13 this when they have authorizations from the
14 Agency, it's ultimately their own decision and we
15 do not have authority to force them to do that.

16 Any questions on that?

17 (No response.)

18 MR. SHELTON: Question 27, basically
19 update the timing of the expected final rules on
20 the dummies for Standard 208.

21 Our current schedule is six-year-old by
22 August; the 5th percentile female by September;
23 the three-year-old Hybrid III by October and the
24 CRAB1 12-month by November.

25 There have been issues raised about
26 calibration corridors. We're looking at all

1 those right now. We haven't made final decisions
2 on those, but we do expect to get all these rules
3 out fairly expeditiously.

4 Any questions on that?

5 (No response.)

6 MR. SHELTON: Question 29 is in the same
7 vein of dummy questions. It asks about the
8 lateral response calibration corridors for the
9 SID/HIII dummy which is used for Standard 201,
10 pole test compliance. The question says that the
11 neck corridor was specified incorrectly.

12 When we adopted that dummy we
13 incorporated the Hybrid III neck based on its use
14 in the Bio-SID and the neck calibration values we
15 used for the Bio-SID were as specified in the SAE
16 users manual.

17 When we did testing of the dummies we did
18 find that it was difficult to find dummy necks
19 from FTSS or ASTC which complied with the
20 specification. We sort of had to sort through
21 the necks to find ones that complied. On the
22 other hand, there's another dummy manufacturer --
23 and I'm probably mispronouncing the name --
24 Utama, U-T-A-M-A, it's a dummy maker in
25 California, which was manufacturing necks that
26 did consistently comply with the specs and those

1 were the necks that we used for all of our
2 testing.

3 Since most of our testing was done with
4 the complying necks one of the things we would
5 have to look into is how would a change in the
6 necks affect the response of the dummy in the
7 crash environment.

8 The question indicates that a petition is
9 forthcoming on it. We'll be glad to discuss
10 that. We haven't received a petition on it yet,
11 but those are the sorts of issues I think we'd
12 have to look into before making a decision on
13 that.

14 Any questions on that one?

15 Paul?

16 MR. EICHBRECHT: A petition is
17 forthcoming and I hope we'll get it done. This
18 turns out to be a biomechanical basis issue,
19 ultimately, just for everybody -- we'll all learn
20 that when the petition comes out. But the
21 problem was with the SAE definition. It just was
22 carried through from the original SAE manual. I
23 think the whole purpose here is to just try to
24 get the corridor back to a basis in biomechanics
25 and that's really what we're going to be focused
26 on.

1 MR. SHELTON: Well, we're always glad to
2 look at it. As you know, I'm not exactly a
3 biomechanics expert, but we're always willing to
4 look at that.

5 Let me move onto the next question,
6 question 29, offset testing. Please update the
7 status of NHTSA activity and timing of an NPRM on
8 frontal offset testing.

9 We are hoping to get out a proposal on
10 this this year. I must admit, I'm having my
11 doubts on that one. The plan is to get it out
12 before the end of the calendar year, but my
13 concern is with other Agency efforts, such as the
14 supplemental NPRM on advanced airbags that that
15 may delay this a little bit.

16 We are working on a status report to
17 Congress on this and it actually exists in draft
18 and it's being circulated within the Agency right
19 now and we hope to send that report to Congress
20 by September. So I think that will be our next
21 public action on this.

22 The tests that we've done on this program
23 are all in the docket. The tests that we did in
24 '97 are in Docket 3332, as are the tests that we
25 did in 1998. So that's the docket to go to to
26 find the most current information on that. But

1 we still plan to issue an NPRM on that and I am
2 the first to admit that the timing of that is a
3 little iffy. Our goal is to get that out before
4 the end of the calendar year.

5 Any questions on that?

6 (No response.)

7 Our general thrust has not really changed
8 on this, it's just a timing issue.

9 Question 30, please update the status of
10 the Agency's response to petitions for
11 reconsideration to Standard 225 for child
12 restraint anchorage.

13 Here we went out and did a nice final
14 rule and we thought we had made everybody happy
15 and then we get something like 17 petitions for
16 reconsideration on this subject. No good deed
17 goes unpunished, obviously.

18 The biggest concerns that petitioners
19 raised for the near term are the fact that 80
20 percent of cars are required to have tether
21 anchors by September 1 of this year and 100
22 percent of cars and 100 percent of light trucks
23 are required to have those tether anchors by
24 September 1 of 2000 and many of those are
25 designed for the Canadian Motor Vehicle Safety
26 Standard 210.1. And the requirements that we had

1 in our final rule were more stringent, basically
2 as far as loading and deformation requirements.

3 What we're thinking -- we don't want
4 people to pull tether anchors out of vehicles.
5 We know a lot of people are planning on putting
6 tether anchors in voluntarily and we want people
7 to put those tether anchors in there.

8 What we're contemplating doing right now
9 is providing manufacturers an option of complying
10 with CMVSS 210.1 for a certain period of time,
11 probably about two years. We think that will
12 address the near term problem of just not having
13 people pull tether anchors out of vehicles while,
14 in the long run, giving people a chance to
15 upgrade the strength of those tether anchors.

16 In a similar vein, our requirements for
17 the lower six millimeter bars were more stringent
18 than the ISO requirements, again, primarily in
19 the load area, and we are seriously considering
20 allowing the option of certifying the vehicle to
21 the ISO requirements, even though they're just
22 draft ISO requirements, for a limited period of
23 time, probably through the entire phase-in
24 period, which ends on September 1, 2002.

25 Again, we're not trying to -- you know,
26 we believe that a number of manufacturers have,

1 in good faith, planned to install these systems
2 in their vehicles and we don't want to undermine
3 good faith efforts to install these systems
4 because we do think they're better than just
5 having the conventional seatbelts in there to
6 restrain the child seats.

7 Our plan is to get something out by next
8 month, by July to address those two immediate
9 issues. Again, there are a number of other
10 issues that were raised in the petitions and what
11 we'll have is a follow-up Federal Register notice
12 on that, which will probably follow by a month or
13 two. But our near-term concern is dealing with
14 the test requirements for the tether anchors and
15 for the six millimeter lower bars.

16 MS. MAUREEN OLSEN: Maureen Olsen, for
17 GM. Bob, do you anticipate that follow-up to be
18 a notice for comments or what kind of follow-up
19 will that be?

20 MR. SHELTON: Well, some things will just
21 be a -- did people hear the question?

22 AUDIENCE: No.

23 MR. SHELTON: The question was what is
24 the nature of that follow-up notice. Some things
25 will be addressed immediately and just go right
26 to final and some things we may have to request

1 comment on. So we may end up with two notices.

2 I mean I'm saying this is one notice, but
3 it may end up being split somehow, but generally
4 there's a lot of relatively minor issues once you
5 get past these two big issues and some of them we
6 think we can explain right away, what we meant,
7 or address them by going right to final. Some
8 can be resolved by interpretation, but some of
9 them we'll have to issue proposals on.

10 Steve?

11 MR. JONAS: Bob, I think that first issue
12 you raised is very critical and I think you
13 probably know this because some of us are having
14 production date decisions actually this month --

15 MR. SHELTON: Yes, I know.

16 MR. JONAS: -- and we have to decide
17 whether to pull these things out or leave them in
18 this month -- or this week -- next week.

19 MR. SHELTON : Well, I know it's June 16th
20 and we're going to get that thing out in July. I
21 guarantee you it will be out in -- our target is
22 to get it out in early July. We can't get it out
23 any faster than that.

24 I'm telling you, though, what we're
25 doing. Any manufacturer that has been talking to
26 me I've been saying, "Don't start pulling tether

1 anchors out of vehicles. Don't start pulling ISO
2 anchors our of vehicles. Our view is to
3 accommodate those."

4 And some people believe me, some people
5 trust me and I guess some people don't. I don't
6 know.

7 We went through this on 201, where we had
8 manufacturers basically unable to certify to 201
9 because they were designing their vehicles to
10 have head bags and I said we would get it out and
11 we did get it out. And obviously those
12 manufacturers took risks in accepting my
13 statements on that, but they were rewarded.

14 (Laughter.)

15 MS. OLSEN: Could I ask one more
16 question?

17 MR. SHELTON: Sure, Maureen.

18 MS. OLSEN: That follow-up, would that
19 just address lower anchors or top tether also?

20 MR. SHELTON: No, the follow-up would
21 address, kind of, everything else. There's a
22 whole host of other issues, Maureen, as you know.
23 It will address everything else.

24 MS. OLSEN: Okay, thanks.

25 MR. SHELTON: Any other questions on
26 that?

1 (No response.)

2 MR. SHELTON: Again, we do favor the
3 voluntary installation of the new lower anchors
4 and the top tethers. We're not trying to punish
5 people for doing that.

6 Question 31 asks about the current status
7 of a possible regulatory decision on upgrading
8 Standard 216 for roof crush.

9 No decision has been made on that. As
10 we've discussed in a number of these meetings
11 previously, there have been a couple of major
12 research activities that have been going on,
13 including dynamic and static roof crush tests
14 which were compared to each other. Those were
15 all in the docket in number 1742 or if you go to
16 our web site they're on "slash VRTC, slash CW,
17 slash roof crush." You all know the earlier
18 part, the "NHTSA.DOT.GOV" thing.

19 VRTC has also been developing a device to
20 test restraints in a rollover situation and the
21 report on that is also in Docket 1742.

22 As we've talked about in the past, the
23 Agency's next plan was to do a new analysis which
24 compared the amount of roof crush that vehicles
25 experience in the real world with injury rates.
26 That analysis has not been completed yet. It

1 should be completed some time this summer. Until
2 that analysis is completed we can't make a
3 decision on this subject.

4 To some extent I think I've violated our
5 new rules on the scorecard by saying -- no,
6 that's not true, I did -- consistent with the new
7 rules on the scorecard, 216 now says, "TBD." We
8 do not have a fixed date by which we plan to make
9 a decision on that.

10 Any questions on that?

11 (No response.)

12 MR. SHELTON: Question 32, please provide
13 any new information on the status and timing of
14 NHTSA efforts to upgrade Standard 301, fuel
15 system integrity.

16 We are still interested in pursuing an
17 upgrade to Standard 301. As we've talked about
18 in previous meetings, our efforts have focused on
19 upgrading the rear-impact test, going to the 214-
20 type barrier with an offset, at 50 miles an hour
21 as opposed to the old billboard-type barrier at
22 30 miles an hour.

23 There has been some draft material
24 circulated around the Agency on that. We have
25 not seen a draft rule yet from our legal staff.
26 Most of the test reports on this are in the

1 docket. There are a number of tests that the
2 Agency did which are in Docket 5825. There also
3 were a number of tests done by General Motors
4 which are in Docket 3585. Our current estimate
5 is to get an NPRM out on this by the end of the
6 calendar year.

7 Any questions on that?

a (No response.)

9 MR. SHELTON: Question 33 is a follow-up
10 to that. It says how does a possibility for an
11 upgrade to 301 effect Standard 303? Are we
12 considering an update to 303?

13 303, for those of you who don't work on
14 this on a regular basis, is the compressed
15 natural gas version of 301, which also has impact
16 test requirements. Right now we do not have a
17 plan to upgrade Standard 303. There's not a lot
18 of CNG vehicles out there that cries out for a
19 need to update the CNG crash standard right now
20 so our efforts are focused on conventionally
21 fueled vehicles and not alternative fuel vehicles
22 at this time.

23 MR. JONAS: Bob, on 301, you said an NPRM
24 by the end of the year?

25 MR. SHELTON: Yes.

26 MR. JONAS: Do you have any idea what you

1 might propose for effective dates on that?

2 MR. SHELTON: No.

3 MR. JONAS: A phase-in, I assume?

4 MR. SHELTON: Well, it will be -- we
5 haven't decided that. It will be a reasonably
6 long effective date because just because you go
7 from one crash test to another you can't change
8 vehicles overnight.

9 We have not made decisions on phase-ins or
10 effective dates at this point.

11 MR. JONAS: Yeah, there would be
12 significant effects, obviously.

13 MR. SHELTON: Depending on where you are,
14 again.

15 MR. JONAS: Yes.

16 MR. SHELTON: Vann?

17 MR. WILBER: Vann Wilber, the Alliance.
18 In addition to the items you mentioned, velocity
19 and barrier configuration, is there any
20 additional requirements that you envision being
21 added to the integrity, for example, issue or
22 will the pass/fail measure stay the same?

23 MR. SHELTON: Right now the plan is for
24 the pass/fail measure to stay the same.

25 MR. WILBUR: so it's a test procedure
26 type of issue?

1 MR. SHELTON: Right, urn-hmm. I'm not
2 aware -- off the top of my head I can't think of
3 any other changes. There may be some minor
4 changes here and there, but I'm not aware of any
5 substantive additional changes.

6 Anything else?

7 (No response.)

8 MR. SHELTON: Question 34, please update
9 the status of the Agency's response, including
10 its report to Congress on the harmonization
11 petition and the upgrade of the dynamic side
12 impact portion of 214.

13 For those of you who do not read the
14 Agency's web site on a daily basis, you may not
15 be aware that the report to Congress is now on
16 the web site. We have sent it to Congress. If
17 you click on the "What's New" portion of the web
18 site it will take you there and also if you look
19 under "Cars, slash Rules, slash Crashworthy,"
20 you'll find it there, too.

21 That report talks about the research that
22 has been done to date as well as our plans to do
23 further research on upgrading Standard 214. It
24 also indicates, as I've discussed in previous
25 meetings here, that our efforts are going to be
26 on harmonizing the dummy.

1 We do not see any benefit in adopting the
2 European test procedure, even as an option. Our
3 efforts are going to be to try to go to a new
4 dummy, to harmonize the dummy worldwide.

5 Again, TNO has been working on an upgrade
6 of the Euro-SID dummy, which we've been calling
7 Euro-SID II for internal purposes and that's
8 supposed to be available this summer for the
9 Agency and others to test.

10 So our hope is, that assuming that
11 revised dummy addresses the concerns that we've
12 had with Euro-SID I in the past, that we could
13 then change our standard to go to Euro-SID II,
14 and assuming the Europeans made a comparable
15 change, we could then at least have a
16 standardized test dummy worldwide, for some
17 period of time, until we see what happens with
18 World-SID and then maybe we'll then also have a
19 new Standardized test dummy.

20 But that report is available and it was
21 just put on the web site two or three days ago so
22 I encourage people to download it and read it.

23 MR. EICHBRECHT: Bob, I did and -- well,
24 it may be just our software, but it seemed to
25 have some incomplete areas in it.

26 MR. SHELTON: Well, I haven't pulled down

1 the whole report. I mean I know it was put up on
2 the web site in a Word Perfect format and you had
3 to download it and then --

4 MR. EICHBRECHT: Right. Even converting
5 it --

6 MR. SHELTON: -- convert it to word or
7 whatever, but they're also putting it up in
8 regular HTML, for those of you can use that.
9 That just hasn't been done yet, but that should
10 be done very soon.

11 MR. EICHBRECHT: I tried both and there
12 still seems to be, at least at the end, something
13 incomplete.

14 MR. SHELTON: Oh, the HTML version is up
15 now?

16 MR. EICHBRECHT: Yeah. And something is
17 incomplete.

18 MR. SHELTON: Okay. I'll check into
19 that. Thanks for letting me know, because I only
20 downloaded the summary.

21 As far as the petitions that were --
22 there was a petition that was received from AAMA,
23 AIAM and IIHS. To a great extent I think the
24 report to Congress kind of addresses our likely
25 response to that petition, but we will have a
26 separate notice out which actually responds to

1 the petition, per se. That will probably be out
2 a couple of months from now. But again, as we've
3 discussed in the past, the Agency's effort right
4 now is on harmonizing the dummy.

5 Question 35. Does the Agency still
6 expect to publish the 305 final rule in July of
7 this year?

8 305 is the crashworthiness standard for
9 electric vehicles. We had the NPRM out in
10 October of '98, which was based on SAE
11 Recommended Practice J-1766. We received 12
12 comments.

13 In general there was support for adoption
14 of the proposed rule for motor vehicles 10,000
15 pounds or less. There was less enthusiasm, to be
16 frank, about applying it to school buses over
17 10,000 pounds. Right now we plan to get a final
18 rule out by September on this subject.

19 Any questions on that?

20 (No response.)

21 MR. SHELTON: Question 36. What Agency
22 actions are planned in response to the Alliance
23 petition for reconsideration of the 208 and
24 rollover warning requirements?

25 This relates to the new SUV rollover
26 label requirements that we issued the final rule

1 on in February of this year. One of the issues
2 we've already addressed; there was an issue of
3 whether -- although this label is required for
4 September 1, 1999, whether manufacturers could
5 install that label early. And we addressed that
6 in a notice published on April 26th, where we
7 basically said, "Yes."

8 There are a number of other issues that
9 were raised, as far as the label's placement
10 relative to the airbag warning label, foreign
11 languages and some other miscellaneous items.
12 Our plan is to get out a response to all these
13 petitions next month, in July.

14 Any questions on that?

15 (No response.)

16 MR. SHELTON: Question 37 asks about the
17 Agency's information presented at the April 18th
18 public meeting on out-of-position risks for side
19 airbags and does the Agency intend to pursue any
20 rulemaking in this area.

21 The meeting was very helpful in hearing
22 people's perspectives on the side impact airbag
23 issue. The hand-outs that were distributed at
24 the meeting are in Docket 5098 if someone would
25 like to look at it. There's a transcript, which
26 is still under review by Research and Development

1 and it will be docketed as soon as it's ready.

2 On May 21st Dr. Martinez sent a letter to
3 the Alliance and to AIAM basically urging these
4 two organizations to work together to develop a
5 voluntary procedure for manufacturers to use to
6 certify the out-of-position performance of side
7 bags. In the letter Dr. Martinez asked for a
8 plan within in 45 days and for the effort to be
9 completed by the end of the calendar year.

10 We were very pleased to see that both the
11 Alliance and the AIAM have enthusiastically
12 responded to this and have risen to the
13 challenge.

14 We had an informal discussion with them
15 and with the Insurance Institute for Highway
16 Safety yesterday to talk about how that effort
17 would be completed. Right now they are
18 completing their plan to get it back to the
19 Agency within the 45 day period that Dr. Martinez
20 requested and we're optimistic that that action
21 can completed by the end of the calendar year.

22 That's our big thrust in this area right
23 now. We are thinking this is a good opportunity
24 for the Agency to work with the industry, both
25 the manufacturers and the airbaq suppliers, and
26 consumer groups and other affected parties to

1 come up with a set of test procedures which can
2 be adopted by manufacturers voluntarily to --
3 which would certainly be much quicker than the
4 Agency going through rulemaking.

5 So right now we have no plans for
6 rulemaking. We'll see what happens with this
7 process, but we're very optimistic that this
a process is going to work out well.

9 Any questions on that?

10 MR. FINKELSTEIN: Is Dr. Martinez' letter
11 in the docket?

12 MR. SHELTON: Yes, it is in the docket.
13 It's in Docket 5098.

14 Question 38 -- back to our frontal
15 airbags -- asks when will NHTSA conduct the 95th
16 percentile male sled test to look at the
17 occurrence of bottoming out for the redesigned
18 airbags involved in high speed collisions and
19 when will this data be available?

20 That work is going on right now at VRTC.
21 They're doing some tests. They have two
22 different sled bucks. One is using 1999
23 redesigned airbags and one is using 1997 full-
24 power airbags. The tests are being done at
25 incrementally higher speeds to identify what
26 happens at higher speeds with these bags, whether

1 they do bottom out at higher speeds. That work
2 just started and is scheduled to be completed by
3 mid-July.

4 Under the normal process of getting data
5 compiled high speed films put together, the data
6 should be available by the end of September.

7 Any questions on that?

8 (No response.)

9 MR. SHELTON: As a follow-up, which
10 actually was a question raised by, I believe,
11 AIAM, which inadvertently got dropped from the
12 agenda, the AIAM asked when will the Agency
13 release the results of the recent VRTC testing of
14 1999 production vehicles?

15 The Agency has done six additional tests
16 of 1999 production vehicles with an unrestrained
17 50th percentile male at 30 miles an hour in the
18 barrier crash configuration. Those tests were
19 done in the March-April time frame and the VRTC
20 also did out-of-position tests on those vehicle
21 airbag systems to see how they performed.

22 They will be available shortly. I can't
23 pin it down more specifically, but I expect that
24 to be available quite soon. The crash test
25 reports and films are being prepared for public
26 release. The data will be available on our web

1 site and the reports and films will be available
2 through George Washington University, but I
3 expect that to happen very, very soon.

4 Any questions on that?

5 (No response.)

6 MR. SHELTON: Question 39 goes back to
7 216. I need to do a better job of getting these
a things organized by standard, but I thought just
9 getting rid of most of the duplications was a
10 major-enough accomplishment. The question notes
11 that we had a final rule revising the test
12 procedures for Standard 216 in April of '99 for
13 vehicles with rounded roofs or raised roofs.
14 What are the plans to update the laboratory test
15 procedure on that?

16 Our Enforcement staff indicates that they
17 expect to have that done by the end of July. And
18 as we said on Standard 201, once it's done it
19 will be placed on the NHTSA web site.

20 Any questions on that?

21 (No response.)

22 MR. SHELTON: Question 40 deals with the
23 research compatibility testing. This is one of
24 the dis-benefits of R&D canceling their quarterly
25 meeting, I get to answer R&D questions. Well,
26 I'm going to answer R&D questions probably as

1 well as I answer Enforcement questions, which is
2 at a very high level.

3 (Laughter.)

4 MR. SHELTON: The question asks, has
5 NHTSA completed its current phase of vehicle
6 compatibility crash testing and if so, will test
7 reports be available and when? Will NHTSA
8 release its anticipated report to Congress on
9 this subject?

10 Let me take the last question first. We
11 have no plans to do a report to Congress on
12 vehicle compatibility research, so if anyone is
13 waiting for that they'll be waiting quite a while
14 I'm afraid.

15 The crash testing has not been completed.
16 There are a couple vehicles that are still being
17 done. I believe we're doing a C/K pickup into a
18 Honda Accord, both frontal and side and I think
19 one test has been done and one test is yet to be
20 done. Those tests should be done by the middle
21 of next month.

22 The results of the tests that have been
23 done to date, excluding these C/K tests have all
24 been released and no decision has been made as to
25 when or how these additional tests that are being
26 completed will be released.

1 Any questions on that?

2 (No response.)

3 MR. SHELTON: Question 41, until I get to
4 turn it over, at least briefly, back to Steve --

5 MR. KRATZKE: Very briefly.

6 MR. SHELTON: Very briefly, yes. Again,
7 another R&D question. Please summarize the
8 findings and results of the April 20th public
9 meeting on biomechanics.

10 Well, I'm not going to summarize it. I
11 only went to part of the meeting myself, so I'm
12 certainly not the one to summarize the meeting.
13 I will say that both GM and Ford indicated, at
14 that meeting, that they were in the process of
15 digitizing neck injury data that they had
16 obtained from pig testing more than an decade
17 ago.

18 And the idea of having that data
19 available would be to allow people to do more
20 thorough and sophisticated analysis on that data.
21 And certainly that's an area where I think
22 there's some possibility for a joint NHTSA and
23 industry work. And if you have some ideas on
24 that, you probably are already talking to Ray
25 Owings and Rolf Eppinger and if you aren't, why
26 don't you give them a call.

1 Any other cooperative work I think would
2 be done through the Motor Vehicle Safety Research
3 Advisory Committee. And again, that's the sort
4 of thing that you should talk to the R&D staff
5 about.

6 Obviously we're going to have to make
7 decisions on the injury criteria very soon
8 because we still plan to issue a supplemental
9 notice of proposed rulemaking on advanced airbags
10 in September and we're going to revise -- well,
11 probably revise injury criteria for certain of
12 the body areas at that time.

13 Any other questions on that?

14 (No response.)

15 MR. SHELTON: With that I'm going to turn
16 it over to Mr. Kratzke, briefly, for question
17 number 42.

18 MR. KRATZKE: Thank you. Question 42
19 asks for new information on harmonized glazing
20 requirements.

21 Well, the status from NHTSA's perspective
22 is Pat Boyd went to Geneva in April and we had
23 understood, incorrectly at the time, that OICA
24 was going to present a harmonized global
25 technical regulation on glazing. They didn't do
26 that. Instead they proposed that the US Standard

1 201 head form be allowed as an alternative impact
2 test apparatus in the European Standard,
3 Regulation 43.

4 A number of delegates from European countries
5 asked OICA if they had any test data showing that
6 tests using the US head form would yield the same
7 results as tests using the current German head
8 form. Mr. Morrison who was representing ISO and
9 the Alliance indicated that he would try to
10 obtain the requested test data with the help of
11 US vehicle manufacturers.

12 From where NHTSA is sitting, our head
13 form in Standard 201 weighs about ten pounds and
14 it's covered with skin and you know all about it.
15 The German head form that they used is a three-
16 ply thing, that's wood on the outside with rubber
17 and then wood. It weighs ten kilograms instead
18 of ten pounds and I'm not an engineer, but if I
19 were guessing it seems most likely that the
20 different head would not yield the same test
21 results, but far be it from us to question what
22 the industry is going to provide.

23 We have not talked with anyone who was
24 there for OICA or ISO since that meeting so we
25 don't know what follow-up efforts they've planned
26 or whether they're going to try to do this sort

1 of testing, but we're always here. We plan on
2 being back in Geneva and we hope we know what the
3 results are before everyone else there does.

4 But generally, though, we support the
5 idea of a global glazing standard. Our concerns
6 that we mentioned last time are that the current
7 draft allows plastic glazing to be used in a lot
8 more places. We're concerned about showing that
9 it will not reduce visibility, especially from
10 hazing and we're concerned about laceration
11 prospects with plastic glazing in places that it
12 hasn't been allowed. Aside from those concerns,
13 we think the global standard seems reasonable to.

14

15 Any questions?

16 (No response.)

17 MR. KRATZKE: If not, Bob has a lot more
18 for you.

19 MR. SHELTON: Thanks. I'm going to
20 answer 43 to 45 all together because they all
21 relate to the SNPRM on advanced airbags.

22 As I said, we still plan to issue that in
23 September. That's the goal. The R&D office is
24 still doing vehicle crash tests. We are looking
25 at a number of different crash configurations
26 with a limited subset of vehicles. Basically the

1 idea is to have an idea of how certain vehicles
2 perform in a wide range of crash situations which
3 include 30 mile an hour barriers, 25 mile an hour
4 barriers, 35 mile an hour offset test, sled
5 tests, with both 5th and 50th percentile dummies.
6 Those tests are scheduled to be completed by late
7 this month, early July.

8 I'm not sure when that data will be
9 available. It will probably be available a
10 couple months later, maybe around the time the
11 SNPRM comes out, but right now that hasn't been
12 decided as to when that data would be available
13 since it's not even completed yet.

14 This also relates to the status of our
15 examination of the crash test protocols within
16 the changes to 208. The idea of doing this crash
17 test series is to collect crash data for the
18 Agency to use to make those decisions. And so
19 until that work is completed, those decisions
20 haven't been made.

21 Finally, in a related matter, there is a
22 question as to whether we are considering
23 adopting the crash test dummies in 208 into
24 Standard 213 for child restraints. The hope is
25 "Yes." I mean that's always been the plan.

26 We don't have a specific rulemaking

1 timeframe for that, however, as we look at the
2 injury criteria for the child dummies for
3 Standard 208, we're also looking at that in the
4 context of 213, because we don't think it makes a
5 lot of sense to have one set of injury criteria
6 for children in Standard 208 and another set in
7 Standard 213.

8 So that's part of our efforts, actually,
9 to make decisions on Standard 208, is how do
10 these dummies perform in the 213 crash
11 environment. So that's feeding back into the
12 process of helping us make decisions on the
13 injury criteria for those dummies in 208.

14 Any questions on that?

15 (No response.)

16 MR. SHELTON: Question 46 basically deals
17 with a Daimler Chrysler minivan airbag
18 investigation. I won't go through the whole
19 question, but I'll talk about it in broad terms.
20 The question basically relates to why haven't we
21 recalled them or why haven't we changed airbag
22 on/off criteria to allow people to get switches
23 more easily for those vehicles or to deactivate
24 those switches.

25 The Agency has not made a determination
26 whether those minivans contain any motor vehicle

1 safety related defects. We've been talking to
2 Daimler Chrysler and have been sharing data with
3 them and they've been sharing data with us. So
4 until a decision is made -- or if -- "if" is
5 probably a better word -- if and until a decision
6 is made that that is worthy of proceeding through
7 the defects investigation process, we see no
8 reason to change our current policy on that
9 matter.

10 In all the discussions that we've had
11 with Daimler Chrysler, where I've been there,
12 they've been very fruitful and helpful
13 discussions, and those have continued. And I
14 suspect that the Agency will be deciding, in the
15 relatively near future, what to do, but at this
16 point the Agency does not see any reason to
17 change its criteria for airbag on/off switches
18 for these vehicles.

19 Any questions on that?

20 (No response.)

21 MR. SHELTON: Question 47 asks about --
22 basically it relates to some supplemental
23 questions and answers on air bag switches that we
24 have on our web page. These supplemental
25 questions and answers were put up in late '97 and
26 one of them had a statement that said, 'in no

1 cases has a child above the age of nine been
2 killed by an airbag.' The question indicates
3 there was an airbag death of an 11-year-old child
4 in September of '97 and there was a subsequent
5 death of a ten-year-old child.

6 I'll say, number one, that when we get
7 these reports of deaths of children, due to
8 airbags, they get confirmed before we count them.
9 It's very important to protect the privacy of the
10 people involved and also to ensure that these
11 really are airbag-induced fatalities.

12 In the case of the '97 crash, that data
13 was not confirmed, I believe, until March of '98.
14 And again, there was a later crash involving a
15 ten-year-old child and that was confirmed later.

16 This statement has now been deleted from
17 the web site, by the way, but does not affect our
18 advice. That statement was in response to a
19 question about the availability of on/off
20 switches for children up to 12 years old. Our
21 advice has not changed on that. We've been very
22 consistent.

23 We think that children up to 12 belong in
24 the back seat and not in front of airbags. And
25 in no way were we misleading parents of children
26 older than nine, but nevertheless, we have

1 deleted that statement from the web site.

2 As a companion matter, there were, of
3 course, some statements in the supplemental
4 information brochure that we put out with the
5 on/off switch application, which deals with child
6 deaths and provides data, which was current as of
7 mid-'97 on that. That was always the risk, we
8 knew that when we put that information in the
9 supplemental brochure, that the information would
10 inevitably become outdated. When we update that
11 we will obviously make the data more current.

12 Again, though, our recommendation that we
13 made at that time and the recommendation we are
14 still making is that children up to 12 belong in
15 the rear seat and we do not indicate that there
16 is any age below that in which they don't belong
17 in the rear seat.

18 Any questions on that?

19 (No response.)

20 MR. SHELTON: Question 48, and I'm going
21 to turn it back to Steve.

22 MR. KRATZKE: Well, this is by now a
23 standard one that's submitted every time and I
24 don't have anything to say about crashworthiness
25 ratings, NCAP or side impact NCAP. So I'll let
26 Bob supplement anything he wants to add later.

1 With regard to lighting, you know that
2 we've finally published a request for interest in
3 the project to develop a system where you could
4 flick on the lamps, take measurements and
5 calculate a rating of that. That was published
6 in the Commerce Business Daily on April 15th. We
7 got 13 parties, including five universities, who
8 expressed interest.

9 On May 26th we mailed all 13 the
10 statement of work and other details and they have
11 until June 29th, which is just a couple of weeks,
12 to submit their proposals. We hope to select one
13 of them fairly quickly so that we can start the
14 process now. But that is moving along.

15 With regard to braking, we have finished
16 the testing that we were doing at Aberdeen. We
17 have spoken many times with Japan, because they
18 have been giving information on braking since
19 1995. We did testing at Aberdeen of passenger
20 cars, a sport utility vehicle, minivans and a
21 pickup. All of the vehicles that we tested had
22 ABS.

23 The ball is in our court now to brief the
24 Administrator on what we've found, they're
25 basically very positive, very repeatable results,
26 and decide what the next action should be. We

1 plan on initiating, by ourselves, a series of
2 round robin tests. Having shown that we got very
3 repeatable results at Aberdeen, we'd like to see
4 what happens if we move vehicles around to
5 different testing facilities. Will we get the
6 same values and will we get the same
7 repeatability?

8 But we will let you know. Ask again in
9 September and I'm sure that we'll have some
10 update on what's happened on braking. It's much
11 further along than lighting is.

12 Agenda item 49 was, does the Agency
13 believe there's a way to provide meaningful
14 stopping distance consumer information?

15 We think that what we've found so far is
16 very repeatable information that shows
17 performance differences between comparable
18 vehicles. You can fill in the adjectives, as to
19 whether that's meaningful or whatever.

20 Vann?

21 MR. WILBER: Vann Wilber, the Alliance.
22 I want to go back to braking just for a minute.
23 Now that you've got a test protocol that you're
24 comfortable with and you're evaluating the
25 reproducibility, would there be an opportunity
26 for industry to observe these tests as we do NCAP

1 tests, etcetera on the given cars?

2 MR. KRATZKE: That's a good question.
3 Actually I'd like to have that happen. That's a
4 decision we need to make when we brief the
5 Administrator on what should be the next thing.
6 Obviously we want to share the test protocol. We
7 don't want that to be a secret. It's very
8 possible that others could do testing that would
9 confirm or disagree with our round robin testing.
10 There are a whole bunch of opportunities to get
11 other input that would be helpful for everyone.
12 Yes, we'd like to do that.

13 Anything else on braking?

14 Yes, Todd.

15 MR. TODD NICHOLSON: To follow up on
16 lighting, Steve, based on some of the comments
17 that you're hearing about the perception of HID
18 sources, does that maybe effect your thinking
19 about the methodology that's been suggested so
20 far?

21 MR. KRATZKE: Yes. What we'd like to do
22 -- we have asked the people who have expressed
23 interest in doing this task for us what impact
24 they think the HID question would or should have
25 on the work. Whoever is awarded the work will be
26 aware of that issue.

1 Mr. Rice?

2 MR. JACK RICE: Steve, you said rollover,
3 number 48 and then you went on to number 49. Are
4 you --

5 MR. KRATZKE: Oh, I know. I'm sorry.
6 I'm coming back to that. Number 50 is entirely
7 rollover. On number 48 rollover is kind of
8 hidden, so I'm trying to sneak by. Don't worry,
9 I wouldn't dream of not telling you nothing.

10 (Laughter.)

11 MR. KRATZKE: Now, on to the all
12 important "nothing." Is there anything else on
13 braking or lighting?

14 (No response.)

15 MR. KRATZKE: Then I'll jump right in to
16 question 50, which is about rollover. Please
17 provide as much information as possible. When
18 will the results from the VRTC test program be
19 available?

20 Bob's word for this I think was shortly.
21 Shortly is my word also. I expect it to be soon.
22 I don't know what that means.

23 Has the Agency made a regulatory decision
24 on how to proceed and what is our decision?

25 No, we haven't made a decision.

26 Actually, as you probably all know, we finished

1 our dynamic tests out in Ohio last fall and we
2 thought we had a recommendation we were pretty
3 comfortable with and then we got a presentation
4 and subsequent data from General Motors on
5 another thing to look at.

6 So we are looking at that thing and our
7 previous move, saying, "Well, this is what we
8 want to do and this is when we want to do it,"
9 has been delayed by the additional information.
10 So, no, we have not made a final decision on what
11 we would do. And what the next notice will be,
12 obviously I don't know. I depends what we're
13 going to do.

14 There will be a notice. Our Tom Terry
15 rule holds for the foreseeable future. We've
16 promised that on any consumer information
17 initiative there will always be opportunity for
18 comment.

19 MR. SHELTON: First.

20 MR. KRATZKE: Right, first, not after.

21 (Laughter.)

22 MR. KRATZKE: Yes.

23 MR. SCOTT SCHMIDT: Scott Schmidt, Land
24 Rover. Can you share what the new information
25 was that GM provided?

26 MR. KRATZKE: Yes, I'm sorry. They

1 suggested the use of a stability margin. The
2 stability margin is based on a side pull ratio
3 minus the maximum lateral acceleration when
4 you're driving around a skid pad.

5 Yes?

6 MS. SALLY GREENBERG: Sally Greenberg,
7 Consumers Union. Did the side impact testing
8 that resulted in the rollovers of the three small
9 vehicles change your decision on research with
10 regard to this report?

11 MR. KRATZKE: It caused us to look again
12 at what we'd done. We had meetings with Honda
13 and Isuzu who were very interested parties and
14 also with Ford and Toyota to talk about what
15 these events meant, what things influenced it,
16 how repeatable the event was, etcetera, etcetera.

17
18 I think, yes, that those results were a
19 surprise to us. Yes, it did make us re-look at
20 what we were doing. I think that now we're
21 comfortable with that and what we are looking at
22 in rollover.

23 Anything else?

24 Yes?

25 MR. MIKE STANDO: Mike Stando, Ford.
26 What's going to happen in September? You have

1 September '99 on the timing chart.

2 MR. KRATZKE: A notice, but what the
3 notice will contain or announce, I honestly don't
4 know. I don't even know when the VRTC test
5 report is going to come out. Soon --

6 MR. SHELTON: Shortly.

7 MR. KRATZKE: Shortly. Sorry, shortly.
8 We've disregarded "soon," we're into shortly.

9 MR. STANDO: So what you're comfortable
10 with is your previous position, prior to seeing
11 the GM position?

12 MR. KRATZKE: Yes. We had -- the Agency
13 had gotten to where initially we had come to a
14 recommendation and then we had the side impact
15 crash test that produced rollovers and we
16 thought, "All right, we want to be sure that we
17 don't do something in the crash avoidance area
18 that increases the likelihood of rolling over in
19 a side impact."

20 So we went back, we analyzed it
21 ourselves, we got some very helpful information
22 from manufacturers, including your company, on
23 that. So then, again, we thought, "All right,
24 we're pretty comfortable, near ready to go," and
25 then we got a lot of information from General
26 Motors, that we've been looking at, on a metric

1 that can be used either as a standard or as
2 consumer information. So let's go look at what
3 this is.

4 Don't get any ideas about coming in with
5 a metric, Mike. We're very happy with what we
6 have and we will try to get something out by
7 September, what that will be, honestly, I don't
8 know and I don't know of anyone in the Agency who
9 does know.

10 And with that I will try to sneak on to
11 item 51, which is does the Agency plan to develop
12 a rollover propensity label and if so, will it
13 rank vehicles within a distinct category or
14 across all types and sizes?

15 Well, you know the first thing, I don't
16 know whether we're going to have a label. If we
17 were doing consumer information or a standard the
18 data and the testing we have suggests that the
19 most profound differences in rollover propensity
20 are those across vehicle types and sizes rather
21 than within a particular group. So I would think
22 we'd probably be interested in conveying that
23 information however we do it.

24 And since I'm on a great roll and trying
25 to sneak out of rollover now before someone asks
26 me something I can't answer, I'd like to do

1 question 54 before I give it back to Bob for a
2 long series.

3 Number 54 is a do we anticipate any
4 rulemaking from the research on ABS that the
5 research advisory committee is doing?

6 No, is the answer. We have no plans to
7 initiate rulemaking to require ABS on light
8 vehicles, but I would like to let you know that
9 we are conducting a research project to evaluate
10 the ABS test procedures and performance
11 requirements that are in regulation 13H in
12 Europe.

13 Europe requires that if you have ABS on a
14 vehicle it has to perform in a certain way. YOU
15 don't have to put it on, but if you do put it on
16 it has to do something. As part of our broad
17 efforts to harmonize at every opportunity, we are
18 running tests to see what that gets us and how
19 valuable that would be.

20 Questions?

21 (No response.)

22 MR. KRATZKE: If not, back to Bob for 52.

23 MR. SHELTON: Thanks. Question 52 asks
24 about the assessment that's being done on the
25 content labeling requirements.

26 Our plans and policy office, which

1 routinely does assessments of the impact of
2 regulations, once they've been on the books for a
3 while, to see whether they're delivering the
4 benefits that people hoped they'd deliver in the
5 real world, is doing an evaluation on the content
6 labeling requirements. That's based on consumer,
7 dealer and manufacturer surveys, as well as some
8 statistical analysis of sales and content data.

9 To make our first official millennial
10 prediction here, they plan to publish that
11 evaluation in the summer of 2000, for comment.
12 In the question it asks, what follow-up action
13 does NHTSA contemplate. It's kind of hard to
14 contemplate a follow-up to a report which won't
15 be out for another year. So we'll have to make
16 decisions at that point, but they are still
17 proceeding on that and hope to get something out
18 next summer.

19 I'm going to skip over to question 58 for
20 a second, which deals with the same subject,
21 which asks, when do we anticipate issuing a final
22 rule for the content labeling NPRM; what sort of
23 lead time; may a manufacturer choose to comply
24 with the requirements proposed in the NPRM?

25 We had Congressional changes that were
26 done last year which amended the content labeling

1 statute to make a number of changes in the
2 labeling requirement and we had the NPRM out to
3 implement those changes in February. Those
4 changes are fairly straight forward and the
5 Agency doesn't believe there's a lot of
6 discretion available to it in those changes.

7 We had a statement in the notice which
8 basically said that manufacturers can go forth
9 and comply with the NPRM without waiting for us
10 to issue the final rule. And at least one
11 manufacturer went out and did that.

12 so if you're complying with the
13 requirements as proposed in the NPRM, that's
14 fine. We're not going to go after you or
15 anything like that. We do not expect any big
16 changes when we go to the final rule and we plan
17 to have that out next month.

18 Lead time, generally changes to the
19 content labeling requirements take effect on June
20 1, because we try to tie the effective date with
21 roughly the beginning of production for the next
22 model year's vehicles. We still are considering
23 a June 1 effective date, except it's not going to
24 be June 1, 1999, it will be June 1, 2000.

25 With that, let's go back to question 53.
26 Fifty-three asks about the status of our

1 reconsideration of Part 541, which is the theft
2 prevention standard. Have we had any contact
3 with the Department of Justice relating to their
4 report they're doing on the statute and can we
5 give any indication of timing and substance of
6 the Department of Justice report?

7 Justice is required to do a report under
8 the Anti Car Theft Act of 1992 dealing with
9 vehicles that we do not require labeling or
10 exemptions for theft. Basically under the
11 statute, as originally enacted and as later
12 amended, we cover all high-theft cars and one
13 half of the low-theft cars, high-theft light duty
14 trucks and also high-theft MPVs and half of the
15 low-theft MPVs.

16 And the Department of Justice is supposed
17 to give us an indication as to whether we should
18 expand those requirements to all light duty
19 vehicles. The did have a notice asking for
20 public comment in September of '98, which closed
21 in November of '98. They are still doing data
22 analysis over at the Department of Justice. They
23 contacted us in March to obtain additional theft
24 and recovery information to include in that
25 analysis.

26 It's kind of hard for us to speculate as to

1 the substance of the DOJ report, but we are
2 hoping it will be completed this summer and at
3 that point the Agency can make decisions as to
4 what next to do in this area.

5 Any questions on that?

6 (No response.)

7 MR. SHELTON: Let me switch to another
8 R&D question. I'm going to make sure that Ray
9 Owings never cancels another one of his quarterly
10 meetings.

11 Question 55 says, since there will not be an R&D
12 meeting, can you provide any information and
13 analysis of field investigation work being done
14 by the National Center for Statistics and
15 Analysis Special Crash Investigation Group
16 regarding airbag injuries and fatalities, de-
17 powered airbags and side airbags?

18 Basically all the information that is
19 available on those subjects is on the Web. It's
20 at "slash People, slash NCSA, slash SCIREPTS;"
21 SCI reports. Again, I have left out the
22 "NHTSA.DOT.GOV."

23 That has the airbag fatality and serious injury
24 summary reports, it's got the redesigned airbag
25 summary tables giving information about crashes
26 investigated by both the Agency and its industry

1 partners on de-powered airbags and also there's a
2 side airbag summary table on our side airbag
3 deployment investigations. If you have any
4 questions that aren't addressed in those tables,
5 I would take them up with Dr. Owings. If there's
6 a question I could answer, I will be glad to try.

7 (No response.)

8 MR. SHELTON: With that, let me move on
9 to question 56, which deals with the anticipated
10 schedule for the various consumer information
11 brochures for model year 2000. We have three
12 brochures out now. We have "Buying a Safer Car,"
13 which we've put out since 1995, which we now
14 typically issue around March or April, which
15 includes all the NCAP data for a given model
16 year. We have "Buying a Safer Car for Child
17 Passengers," which we put out typically in
18 December, which is a companion brochure and it
19 deals with the safety of children. And for 1999
20 we've started a new "Safety Features" brochure,
21 which just provides safety features information
22 on vehicles and which is issued at the beginning
23 of the model year. Again, we did figure out that
24 the "Buying a Safer Car" brochure, by not coming
25 out until the middle of the model year did not
26 provide information for people who were buying

1 cars earlier in the model year.

2 The "Buying a Safer Car for Child
3 Passengers" brochure is expected to remain
4 basically unchanged and on the same schedule and
5 that would come out in roughly December of this
6 year for the model year 2000.

7 On the "Buying a Safer Car" brochure and
8 the "Features" brochure, the focus groups that we
9 have done indicate that people thought it would
10 be more useful to consumers if that was
11 consolidated into one brochure. Our current plan
12 is to do that. We're having a meeting on June
13 24th with AAA and auto manufacturers to discuss
14 the content of the new brochure.

15 Basically the idea would be to combine
16 the two brochures and you'd have carryover NCAP
17 data, which would be useful for the model year
18 2000, that would be available when a new brochure
19 was published in October. And for the cars that
20 we would test in model year 2000, which is still
21 to be determined -- partly because we don't know
22 what our funding level is going to be for the
23 upcoming fiscal year -- those vehicles would be
24 identified as TBT, To Be Tested, in the brochure
25 and then those data would be released
26 subsequently during the model year as those

1 vehicles are actually tested.

2 So that's our current plan right now, to
3 try to combine those two brochures and to get
4 something out at the beginning of the model year
5 to make it most useful for consumers.

6 Any questions on that?

7 (No response.)

8 MR. SHELTON: Switching from R&D
9 questions to Enforcement questions, question 57
10 asks about an April 28th meeting the Office of
11 Vehicle Safety Compliance held with interested
12 parties to discuss vehicle importation issues and
13 registered importers, in particular.

14 What has happened in recent years is that
15 with the US dollar being very strong compared to
16 the Canadian dollar, there's been a huge growth
17 of gray market imports from Canada. Right now
18 those vehicles from Canada constitute about 95
19 percent of all gray market imports.

20 Since the Canadian motor vehicle safety
21 standards and the US motor vehicle safety
22 standards are extremely similar, these vehicles
23 essentially comply with almost every one of our
24 Federal Motor Vehicle Safety Standards and there
25 are relatively few changes needed to bring them
26 in to full compliance.

1 The Agency plans to issue a notice during
2 the third quarter of calendar year '99 -- that's
3 the most precise date I can get out of these
4 folks -- proposing to reduce regulatory burdens
5 associated with the importation of Canadian
6 vehicles for resale. It's also going to change
7 some application procedures for registered
8 importers. I don't know any specifics on that at
9 all, but generally that's the thrust, to deal
10 with the upsurge of imports from Canada.

11 Any questions on that?

12 (No response.)

13 MR. SHELTON: Okay. Question 58 I've
14 already answered. For 59 I'm going to turn it
15 back over to Steve.

16 MR. KRATZKE: Thank you. Question 59 is
17 a number of procedural recommendations for us.
18 The first is that NHTSA notify petitioners when
19 it's decided to initiate a rulemaking project.

20 We do send letters to petitioners
21 notifying them whether their petition has been
22 granted or denied. If it's denied then we also
23 enclose a copy of the Federal Register notice
24 that explains the denial. If it's granted, we
25 try to explain what a grant of a petition means
26 in the letter. We are more successful with some

1 than others, although we use the same words.

2 The second suggestion is that NHTSA issue
3 periodic progress reports to petitioners on the
4 rules.

5 We like to think that these quarterly
6 meetings are periodic progress reports to the
7 public on any rulemaking actions that you're
8 interested in. If anyone wants to be sure to get
9 status information for any project, ask us about
10 it. Bob and I will respond no matter how painful
11 the answer is.

12 Third is that NHTSA actively seek
13 suggestions on procedures, studies or research
14 related to the development of proposed rules.

15 We're always interested in ideas to
16 consider. When we started taking a look at
17 rollover, we traveled to Consumers Union, Ford,
18 Chrysler and General Motors to learn how these
19 groups evaluate handling and stability. Toyota
20 and Mercedes flew engineers across oceans to
21 Washington to meet with us to discuss their
22 company's handling and stability evaluations. We
23 know that we don't know it all. We welcome input
24 from anyone. Give us a call, we'll be happy to
25 hear your ideas.

26 The next one is NHTSA explain to

1 petitioners why it will not be addressing issues
2 identified by the petitioners.

3 If we deny your petition we'll always
4 explain why, generally in excruciating detail.
5 When we grant the petition we don't always do
6 exactly what the petitioner asks, nor do we
7 necessarily agree with all the petitioner
8 suggests needs to be done.

9 In those cases we try to indicate,
10 briefly, in the Federal Register proposal why we
11 are not doing all that petitioners had asked and
12 then spend most of the time in the notice talking
13 about what we are proposing to do. If a
14 petitioner thinks the proposed response is
15 inadequate, please file comments to that effect.
16 The Agency will address the issues in detail in
17 the next notice on the subject.

18 Next was that NHTSA notify all petitioners when a
19 proposed rule is released for comment.

20 Actually this is something we don't
21 typically do now. After the grant letter goes
22 out we generally rely on the petitioner to track
23 to see what's happening with the proposal, but we
24 think there's merit to this idea and we will
25 implement a follow-up, where after we grant your
26 petition, when we publish a notice, we will send

1 you a copy of the notice.

2 Next is that NHTSA provide answers to
3 questions and suggestions that petitioners raise
4 during the comment period.

5 We do this in the preamble to the final
6 rule for anyone.

7 Next is that NHTSA identify the probable
8 date a final rule will be released, following the
9 comment period on the proposed rule.

10 For those of you who have been sitting
11 through this, you know we always identify dates
12 and they're always very accurate.

13 (Laughter.)

14 MR. KRATZKE: Next is that NHTSA provide
15 an explanation to all petitioners if it cannot
16 meet its own deadlines.

17 Again, we use the quarterly meetings to
18 do this. We may moan and whine loudly about
19 rules that are especially embarrassing, but we
20 will tell you what's going on, where it is and
21 when we think it will be out now.

22 So use these meetings; we're happy to answer
23 questions. And with that, I'll give it back to
24 Bob.

25 MR. SHELTON: Yeah. I hope the fact that
26 we're getting questions like this indicates that

1 people are following these meetings and are aware
2 that we put the transcripts to these meetings in
3 the docket, because obviously --

4 MR. FINKELSTEIN: What docket number is
5 that?

6 MR. SHELTON: The docket number we put
7 the transcripts in is 5087. We had a question, I
8 believe it was the last meeting or the meeting
9 before, which said "You keep putting the
10 transcripts in different docket numbers," which I
11 was unaware of and we promptly changed that
12 procedure so now all the transcripts -- the
13 transcripts from the last two meetings, the
14 December meeting and the March meeting of this
15 year are both in 5087. We plan to use that
16 docket for all subsequent transcripts.

17 Another thing that we're looking into
18 that Steve didn't mention is just looking at the
19 Agency's web site and see if we can do more about
20 using that as a mechanism for updating people on
21 the status of rules or doing a better job of
22 somehow indicating when we have proposed rules or
23 final rules going out.

24 For significant things we typically have
25 announcements on the web site and copies of the
26 rule on the web site, but we're not doing it for

1 everything. I'm not sure if it's feasible for
2 everything, but one of the projects that we're
3 looking at with our Chief Counsel's Office is
4 trying to do a better job of using the web site
5 to keep people up to date on the rulemakings.
6 Again, the transcripts of these meetings are
7 placed in the docket, that's not the web site,
8 but on the other hand, anybody who has access to
9 a Internet browser can get our docket and find
10 this material.

11 But are trying to find a way to do a
12 better job of keeping people informed about the
13 issuance of proposed rules, final rules, requests
14 for comments, etcettera. We realize the major
15 manufacturers and other large companies can
16 easily subscribe to the Federal Register and
17 spend a morning reading the Federal Register
18 every day, but the general public typically tends
19 not to do that. So we're going to try to address
20 that.

21 With that, let me move to question 60,
22 which asks, please provide the status of the
23 Fourth Report to Congress on seat belt and
24 effectiveness that was due to be submitted late
25 last year. If it has been submitted, how can
26 copies be obtained?

1 Well, like the side impact report to
2 Congress, I'm pleased to indicated that that is
3 on the web. It was sent to Congress last month
4 and it was recently placed on the web site. For
5 those people who are keeping track of web
6 locations it's the usual "NHTSA.DOT.GOV, slash
7 People, slash NCSA, slash Reports" and you will
8 see the report to Congress on occupant
9 protection.

10 With that, I'm going to turn it back over
11 to Steve again for 61 before I go to 62 and wrap
12 up.

13 MR. KRATZKE: Thanks. We have to do a
14 better job with these last miscellaneous ones.
15 It's like every question we're changing.

16 MR. SHELTON: I like it.

17 MR. KRATZKE: Question 61 is has the
18 Agency taken action to encourage other countries
19 to sign the '98 global agreement and does NHTSA
20 agree that a forum like would be provided by the
21 '98 is necessary?

22 NHTSA and EPA have been working hard with
23 the Department of Commerce, Department of State
24 and the United States trade representative to
25 send out letters and cables to foreign countries
26 requesting signatures so that the agreement can

1 enter into force as soon as possible.

2 We've elevated this to fairly high
3 political levels. Letters were sent from
4 Secretary Slater and Ambassador Eisenstat to the
5 government of Japan, asking them to look at the
6 98 Agreement. And you know we're getting serious
7 when we're sending demarches -- unfortunately I
8 don't know what that is -- via the Department of
9 State to the European Union and all of the member
10 countries of the European Union, asking them to
11 consider, very hard, signing the agreement.

12 We have just recently been informed that
13 Canada will sign the agreement during the June
14 WP29 meeting. So now there will be two
15 signatures on it.

16 During the last APEC meeting in Chile,
17 China announced that it had begun its internal
18 processes to accede to the agreement. That may
19 have some influence on some others. A number of
20 countries, including the Czech Republic, Romania,
21 the Russian Federation, South Africa, Korea and
22 Thailand have all started the domestic processes
23 they need to do to sign the agreement.

24 We hope and expect that the agreement
25 will enter into force through the first option,
26 with the five signatures, this year. If it

1 doesn't, we're very confident that it will get
2 the eight signatures that it needs.

3 NHTSA agrees, fully, that a forum, like
4 what would be established under the global
5 agreement is necessary to ensure that there
6 really is a global forum for safety standards.

7 Any questions? Don't ask me what a
8 demarches is, please.

9 MR. SHELTON: It's like a cable, Steve.

10 MR. KRATZKE: Oh, see, he knows. YOU
11 answer it then.

12 MR. SHELTON: I think it's French for
13 cable or something. Harmonization people love to
14 speak French, don't ask me why.

15 Any questions on that?

16 (No response.)

17 MR. SHELTON: The final question relates
18 to the Kempthorne petition on Standard 208. In
19 late '96, then Senator Kempthorne had petitioned
20 the Agency to place a moratorium on unbelted
21 testing in Standard 208 and the question asks,
22 have we ever formally responded to this and can I
23 get a copy, etcettera, etcettera.

24 The short answer is no, there was never a
25 formal answer from NHTSA on this. The reason is
26 that while the petition was under consideration

1 Congress enacted TEA-21, which included Section
2 7103, requiring the Department to conduct a
3 rulemaking proceeding on advanced airbags.
4 Senator Kempthorne was a key participant in the
5 development of 7103 which reflects his concerns
6 about dangers posed by airbags.

7 We believe that the rulemaking being
8 conducted, pursuant to Section 7103, responds to
9 the issues raised by Senator Kempthorne's
10 petition. We do not feel there is a need to
11 respond separately to the petition and nor has
12 the former Senator and now Governor of Idaho
13 sought a response. So we believe that the
14 advanced airbag rulemaking is basically
15 addressing the petition on that.

16 Yes?

17 MR. WALKER: James Walker. A follow-up
18 question that was left out of the group there
19 was: With seatbelt use now at about 70 percent
20 today, how does NHTSA justify giving preference
21 to the 30 percent of unbelted occupants; people
22 who refuse to take even the most basic steps to
23 enhance their own safety?

24 How do you justify taking preference away
25 from the over two-thirds of occupants who do take
26 the logical steps to protect their own safety?

1 And this kind of addresses the manufacturers
2 objections to sun-setting for de-powered airbags
3 as has been proposed.

4 MR. SHELTON: Basically the question, in
5 a nutshell, is why do we still have an unbelted
6 test. That is maybe a very short paraphrasing of
7 your question.

8 And this kind of goes back to my comment
9 at the beginning of the meeting that this is a
10 rulemaking status meeting and not an opportunity
11 to debate philosophy.

12 But in general the Agency has indicated
13 that the benefits that we've seen by airbags,
14 which are quite substantial -- over 3,500 lives
15 saved to date -- are predominately to
16 unrestrained occupants. About 70 percent of the
17 lives saved are to unrestrained occupants. We
18 believe that those are important benefits and
19 they should be preserved. We also are not aware
20 of anything in the unrestrained test which is
21 harming belted occupants.

22 Also, about 50 percent of people in
23 potentially fatal crashes are unrestrained and
24 we're not willing'to just give up those benefits.

25 Any other questions?

26 (No response.)

1 MR. SHELTON: I know that we're running
2 over here and it's a little toasty in here, so
3 I'll try to do a quick wrap-up.

4 For the next meeting, September 16th, we will be
5 back to the ever-popular West Park Hotel at
6 Tyson's Corner for our annual DC meeting.

7 We looked at alternative venues for that.
8 At the last meeting we talked about a hotel in
9 Alexandria which we thought was going to work out
10 because it was on the subway. It turned out
11 that, to get the room four or five months in
12 advance, they wanted us to guarantee that they
13 would get something like 50 or eighty
14 reservations out of that. We couldn't guarantee
15 that.

16 We've also tried the L'Enfant Plaza
17 Hotel, by the Department of Transportation, and
18 as I recall they had a similar provision, again,
19 to reserve a room months in advance you have to
20 guarantee a certain minimum number of
21 reservations.

22 We've also looked at the Holiday Inn
23 close to DOT and as I recall, you can get that
24 without this reservation minimum requirement, but
25 it's already taken for September 16th.
26 So we're going to look at something probably for

1 REPORTER'S CERTIFICATE

2
3 I certify that this transcript,
4 consisting of 101 pages is a true and correct
5 copy of the events which occurred at the NHTSA
6 Safety Performance Standards Program Meeting held
7 at the Clarion Hotel in Romulus, Michigan on June
8 16, 1999.

9 I further certify that I am not a
10 relative of or employee of a party to these
11 proceedings and that I am not financially
12 interested in the outcome of these proceedings or
13 any resultant actions.
14

15 Date:

16 *July 17, 1999*

Signature:

17 *Paul W. Mayes*

18 Paul W. Mayes

19 CER 5546
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